SENATE BILL 349 (LRB -3443)

An Act to renumber and amend 103.70 (2); and to create 103.67 (2) (fm) and 103.70 (2) (b) of the statutes; relating to: the employment of minors 12 years of age or older by nonprofit organizations in and around the homes of elderly persons and persons with disabilities to perform snow shoveling, lawn mowing, leaf raking, and other similar work usual to those homes. (FE)

2009

10-14.	S.	Introduced by Senator **Plale**; cosponsored by Representative **Sinicki**.	
10-14.	S.	Read first time and referred to committee on Children and Families and Workforce Development	358
10-28.	S.	Fiscal estimate received.	
10-28.	S.	Withdrawn from committee on Children and Families and Workforce Development and rereferred to committee on Labor, Elections and Urban Affairs, pursuant to Senate Rule 46 (2)(c)	389
10-29.	S.	Public hearing held.	
10-29.	S.	Senate amendment 1 offered by Senator Plale **(LRB a0891)**	391
11-02.	S.	Executive action taken.	
11-03.	S.	Report adoption of Senate Amendment 1 recommended by committee on Labor, Elections and Urban Affairs, Ayes 5, Noes 0	396
11-03.	S.	Report passage as amended recommended by committee on Labor, Elections and Urban Affairs, Ayes 5, Noes 0	396
11-03.	S.	Available for scheduling.	
11-04.	S.	Placed on calendar 11-5-2009 by committee on Senate Organization	400
11-05.	S.	Senator Taylor added as a coauthor.	
11-05.	S.	Read a second time.	
11-05.	S.	Senate amendment 1 **adopted**.	
11-05.	S.	Ordered to a third reading.	
11-05.	S.	Rules suspended.	
11-05.	S.	Read a third time and **passed**.	
11-05.	S.	Ordered immediately messaged.	
11-05.	A.	Received from Senate	509
11-05.	A.	Read	509
11-05.	A.	Rules suspended and taken up	509
11-05.	A.	Read a second time	509
11-05.	A.	Ordered to a third reading	509
11-05.	A.	Rules suspended	509
11-05.	A.	Read a third time and **concurred in**	509
11-05.	A.	Ordered immediately messaged	509
11-06.	S.	Received from Assembly concurred in.	

CMD

2009
ENROLLED BILL

09en S B- 349

ADOPTED DOCUMENTS:

☒ **Orig** ☐ **Engr** ___ **SubAmdt** ___ **09 - 3443/2**

Amendments to above (if none, write "NONE"): SA-1 – a0891/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

11-6-09
Date

Enrolling Drafter

State of Wisconsin
2009 – 2010 LEGISLATURE

LRB–3443/2
GMM:bjk:jf

2009 SENATE BILL 349

October 14, 2009 – Introduced by Senator PLALE, cosponsored by Representative SINICKI. Referred to Committee on Children and Families and Workforce Development.

1 AN ACT ***to renumber and amend*** 103.70 (2); and ***to create*** 103.67 (2) (fm) and
2 103.70 (2) (b) of the statutes; **relating to:** the employment of minors 12 years
3 of age or older by nonprofit organizations in and around the homes of elderly
4 persons and persons with disabilities to perform snow shoveling, lawn mowing,
5 leaf raking, and other similar work usual to those homes.

Analysis by the Legislative Reference Bureau

Under the current child labor laws, subject to certain exceptions, a minor under 14 years of age may not be permitted to work at any gainful occupation and a minor who is permitted to work must first obtain a permit authorizing the employment of the minor (work permit). One of those exceptions permits a minor 12 years of age or over to be employed without a work permit in and around a home in work usual to the home of the employer, if the work is not in connection with or a part of the business, trade, or profession of the employer and the type of employment is not specifically prohibited by the child labor laws or by an order of the Department of Workforce Development (DWD).

Currently, the child labor laws prohibit a minor from working at any hazardous occupation; from working for such hours of the day or week, for such days of the week, or during such hours of the day as may be dangerous or prejudicial to the life, health, safety, or welfare of the minor; and from working during the hours that the minor is required to attend school. To enforce those prohibitions, DWD has promulgated rules classifying certain occupations as hazardous employment for minors, fixing the

maximum hours per day and per week and the maximum days per week that a minor may work, and prohibiting minors from working before and after certain times of day.

This bill permits a minor to be employed without a work permit by a nonprofit organization in and around the home of an elderly person or a person with a disability to perform snow shoveling, lawn mowing, leaf raking, or other similar work usual to the home of the elderly person or person with a disability, if the work is not in connection with or a part of the business, trade, or profession of that person; the type of employment is not specifically prohibited by the child labor laws or by an order of DWD; the minor is paid the applicable state or federal minimum wage, whichever is greater, for the work; and the minor's parent or guardian provides the nonprofit organization with his or her written consent for the minor to perform the work.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 103.67 (2) (fm) of the statutes is created to read:

2 103.67 **(2)** (fm) A minor 12 years of age or older may be employed by a nonprofit
3 organization in and around the home of an elderly person or a person with a disability
4 to perform snow shoveling, lawn mowing, leaf raking, or other similar work usual to
5 the home of the elderly person or person with a disability, if all of the following apply:

6 1. The work is not in connection with or a part of the business, trade, or
7 profession of that person.

8 2. The type of employment is not specifically prohibited by ss. 103.64 to 103.82
9 or by an order of the department.

10 3. The minor is paid the applicable minimum wage under ch. 104 or under
11 federal law, whichever is greater, for the work.

12 4. The minor's parent or guardian provides the nonprofit organization with his
13 or her written consent for the minor to perform the work.

14 **SECTION 2.** 103.70 (2) of the statutes is renumbered 103.70 (2) (a) and amended
15 to read:

103.70 **(2)** (a) ~~Minors~~ A minor may be employed without ~~permits in any employment limited to work~~ a permit in or around a home in work usual to the home of the employer, if the ~~employment~~ work is not in connection with or a part of the business, trade, or profession of the employer~~,~~; is in accordance with the minimum age stated in s. 103.67 (2) (f)~~,~~; and is not specifically prohibited by ss. 103.64 to 103.82 or by ~~any~~ an order of the department. ~~Minors~~

(c) A minor may ~~also~~ be employed without ~~permits as election inspectors~~ a permit as an election inspector as provided in s. 7.30 (2) (am).

SECTION 3. 103.70 (2) (b) of the statutes is created to read:

103.70 **(2)** (b) A minor may be employed without a permit by a nonprofit organization in and around the home of an elderly person or a person with a disability in work usual to the home of the elderly person or person with a disability, if all of the following apply:

1. The work is not in connection with or a part of the business, trade, or profession of that person and is in accordance with the minimum age stated in s. 103.67 (2) (fm).

2. The type of employment is not specifically prohibited by ss. 103.64 to 103.82 or by an order of the department.

3. The minor is paid the applicable minimum wage under ch. 104 or under federal law, whichever is greater, for the work.

4. The minor's parent or guardian provides the nonprofit organization with his or her written consent for the minor to perform the work.

(END)

State of Wisconsin
2009 – 2010 LEGISLATURE

LRBa0891/1
GMM:jld:ph

SENATE AMENDMENT 1,

TO 2009 SENATE BILL 349

October 29, 2009 – Offered by Senator PLALE.

At the locations indicated, amend the bill as follows:

1. Page 3, line 12: delete "in work" and substitute "to perform snow shoveling, lawn mowing, leaf raking, or other similar work".

(END)