

State of Wisconsin



2009 Senate Bill 349

Date of enactment: **December 1, 2009**
Date of publication*: **December 15, 2009**

2009 WISCONSIN ACT 92

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.

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

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

103.67 (2) (fm) A minor 12 years of age or older may be employed 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 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.
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.

SECTION 2. 103.70 (2) of the statutes is renumbered 103.70 (2) (a) and amended 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~~ 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 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 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.

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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 non-profit organization with his or her written consent for the minor to perform the work.
