

1999 ASSEMBLY BILL 349

May 17, 1999 – Introduced by Representatives UNDERHEIM, ALBERS, GROTHMAN, GUNDERSON, MUSSER, OWENS, RYBA and TURNER, cosponsored by Senators ROESSLER and CLAUSING. Referred to Committee on Labor and Employment.

1 **AN ACT** *to amend* 103.67 (2) (intro.), 103.67 (2) (d), 103.67 (2) (h), 103.67 (2) (i),
2 103.71 (2) (intro.), 103.71 (2) (a) and 103.71 (2) (b) (intro.); and *to create* 103.67
3 (2) (hm) and 103.71 (2) (b) 6. of the statutes; **relating to:** the employment of
4 minors 12 years or older as officials for athletic events in which the participants
5 are under 14 years of age.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, minors under 14 years of age may not be employed or permitted to work in any gainful occupation. One of those exceptions permits minors 12 and 13 years of age to be employed as sideline officials for high school football games and another exception permits minors 11 to 13 years of age to be employed as ball monitors at high school football games and practices. Under the federal Fair Labor Standards Act (FLSA), subject to certain exceptions, no employer may employ a minor under 14 years of age in interstate commerce, in the production of goods for interstate commerce or in any enterprise engaged in interstate commerce or in the production of goods for interstate commerce. Currently, the FLSA defines “employer” to include a “public agency”, such as a state or any political subdivision of a state, and defines an “enterprise engaged in interstate commerce or in the production of goods for interstate commerce” to include a school and any enterprise whose annual gross sales are not less than \$500,000.

This bill permits minors 12 years of age or older to be employed under direct adult supervision as officials for athletic events in which the participants are under

ASSEMBLY BILL 349

14 years of age to the extent permitted under the FLSA, that is, such a minor may be so employed by an employer that is not engaged in interstate commerce or in producing goods for interstate commerce, that has annual gross sales of less than \$500,000 and that is not a school or a public agency.

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

1 **SECTION 1.** 103.67 (2) (intro.) of the statutes is amended to read:

2 103.67 **(2)** (intro.) A minor under 14 years of age shall may not be employed or
3 permitted to work in any gainful occupation at any time, except that a minor under
4 14 years of age may be employed or permitted to work as follows to the extent
5 permitted under the federal Fair Labor Standards Act, 29 USC 201 to 219:

6 **SECTION 2.** 103.67 (2) (d) of the statutes is amended to read:

7 103.67 **(2)** (d) Minors 12 ~~and 13~~ years of age or older may be employed as
8 caddies on golf courses, if they use caddy carts.

9 **SECTION 3.** 103.67 (2) (h) of the statutes is amended to read:

10 103.67 **(2)** (h) Minors 12 ~~and 13~~ years of age or older may be employed as
11 sideline officials for high school football games.

12 **SECTION 4.** 103.67 (2) (hm) of the statutes is created to read:

13 103.67 **(2)** (hm) Minors 12 years of age or older may be employed under direct
14 adult supervision as officials for athletic events in which the participants are under
15 14 years of age.

16 **SECTION 5.** 103.67 (2) (i) of the statutes is amended to read:

17 103.67 **(2)** (i) Minors 11 ~~to 13~~ years of age or older may be employed as ball
18 monitors at high school football games and practices.

19 **SECTION 6.** 103.71 (2) (intro.) of the statutes is amended to read:

