

**1999 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB145)**

Received: 07/16/99

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Carol Roessler (608) 266-5300

By/Representing: Karen Asbjornson

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: **Employ Priv - child labor**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Employment of minors under 14 as athletic officials

**Instructions:**

See Attached--Items 1. and 2. of Fernbach memo; also take out SECTIONS 2, 3, 5, 7 and 8.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 07/16/99	chanaman 07/19/99		_____			
/1			mclark 07/19/99	_____	lrb_docadmin 07/19/99	lrb_docadmin 07/19/99	

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB145)**

Received: **07/16/99**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Roessler (608) 266-5300**

By/Representing: **Karen Asbjornson**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Employ Priv - child labor**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Employment of minors under 14 as athletic officials

**Instructions:**

See Attached--Items 1. and 2. of Fernbach memo; also take out SECTIONS 2, 3, 5, 7 and 8.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm	cmM 7/17	MRC 7/19	MRC/JF 7/19			

FE Sent For:

<END>



---

---

## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536  
Telephone: (608) 266-1304  
Fax: (608) 266-3830  
Email: leg.council@legis.state.wi.us

---

---

DATE: June 8, 1999

TO: SENATOR JAMES BAUMGART, CHAIRPERSON, SENATE LABOR COMMITTEE

FROM: Dan Fernbach, Senior Staff Attorney

SUBJECT: 1999 Senate Bill 145, Relating to the Employment of Minors 12 Years or Older as Officials for Athletic Events in Which the Participants Are Under 14 Years of Age

1999 Senate Bill 145 was introduced on May 5, 1999 by Senator Roessler and referred to the Senate Labor Committee. The Committee conducted a public hearing on Senate Bill 145 on May 26, 1999.

### A. PRESENT LAW

Wisconsin's present child labor laws, located in ch. 103, Stats., provide that, with certain exceptions, *minors under the age of 14 may not be employed* or permitted to work in any gainful occupation or job.

One exception allows 12- and 13-year olds to be employed as sideline officials for high school football games. A second exception allows minors aged 11 to 13 to be employed as "ball monitors" at high school football games and practices. Also, minors 12 and 13 years of age may work as caddies on golf courses if they use caddy carts.

Under the federal Fair Labor Standards Act (FLSA), with some exceptions, a minor under 14 years of age may not be employed in interstate commerce or in the production of goods for interstate commerce. Under federal law, an employer includes local units of government, and enterprises engaged in interstate commerce are defined to include schools and any enterprise with annual gross sales of \$500,000 or more.

**B. PROVISIONS OF SENATE BILL 145**

Senate Bill 145 would allow minors 12 years of age or older to be employed under direct adult supervision as officials for athletic events if the participants are under the age of 14 to the extent permitted under the FLSA; that is, if the employer is not engaged in interstate commerce, has gross sales of less than \$500,000 per year and is not a school or a public agency.

**C. POSSIBLE AMENDMENTS TO SENATE BILL 145**

At the May 26 public hearing on Senate Bill 145, several suggestions were made for amendments to the bill, as follows:

1. Age of participants. If minors age 12 and over are to be employed as officials, SECTIONS 4 and 9 of the bill should be amended to ensure that these minors are *the same age or older* than the participants.

2. Private, nonprofit sponsoring organizations. SECTION 4 of the bill should be amended to apply only to athletic events sponsored by private, nonprofit organizations, such as soccer clubs, but not to school-sponsored events which could violate the FLSA.

3. Instructional emphasis. SECTION 4 of the bill should be amended to clarify that covered athletic events, or the sponsors of such events, must emphasize instructional, rather than competitive aspects, of the particular game or sport.

4. Practices. The word "practices," as used in SECTIONS 5 and 7 of the bill should be clarified.

5. Potential FLSA violations. Provisions of current law [ss. 103.67 (2) (h), (i) and 103.71 (2) (a), Stats.], as amended by the bill, may be in violation of the FLSA and should be amended. (intro) covers all

Finally, it should be noted that SECTION 2 of the bill, relating to the employment of minors as golf caddies, would require minors age 14 to 16 to use golf carts if they are employed as caddies. Current law only requires 12- and 13-year olds to use golf carts. This impact appears to be inadvertent. Therefore, SECTION 2 should be removed from the bill.

I hope that the above information is helpful, and I will be happy to work with Senator Roessler's staff to develop appropriate amendments to Senate Bill 145.

DF:jal;wu

1999

Date (time) needed \_\_\_\_\_

LRB s 0103 / 1

**SUBSTITUTE AMENDMENT  
[TO A BILL]**

GMM : cmf : \_\_\_\_\_

Use the appropriate components and routines developed for substitute amendments.

**S** ~~AM~~ [SUBSTITUTE AMENDMENT]

TO 1999 **SB** ~~AB~~ 145 (~~LRB~~ 1)

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: .....

.....  
.....  
.....  
.....

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

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

SECTION #.

# 1999 SENATE BILL 145

May 5, 1999 - Introduced by Senators ROESSLER and CLAUSING, cosponsored by Representatives UNDERHEIM, ALBERS, GROTHMAN, GUNDERSON, MUSSER, OWENS, RYBA and TURNER. Referred to Committee on Labor.

Regenerate

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 <sup>and 13</sup> 12 years <sup>of age</sup> 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

SENATE BILL 145

~~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:*

Sponsored by private, nonprofit organizations

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 <sup>and 13</sup> 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~~

The minor would be eligible to participate or in which

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:

The same age as or younger than the minor ~~to be employed as in~~  
which

**SENATE BILL 145**

1           103.71 (2) (intro.) No permit may be issued authorizing the employment of any  
2 minor under 14 years of age at any time, except ~~for~~ that a permit may be issued  
3 authorizing the employment of a minor under 14 years of age as follows to the extent  
4 permitted under the federal Fair Labor Standards Act, 29 USC 201 to 219:

5           ~~SECTION 7. 103.71 (2) (a) of the statutes is amended to read:  
6           103.71 (2) (a) The employment of minors 11 to 13 years of age or older as ball  
7 monitors at high school football games and practices as provided in s. 103.67 (2) (i).~~

8           ~~SECTION 8. 103.71 (2) (b) (intro.) of the statutes is amended to read:  
9           103.71 (2) (b) (intro.) The employment of minors 12 years of age and over or  
10 older:~~

11           SECTION 9. 103.71 (2) (b) 6. of the statutes is created to read:  
12           103.71 (2) (b) 6. As officials for athletic events in which the participants are  
13 ~~under 14 years of age~~ as provided in s. 103.67 (2) (hm).

(END)

14