

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Sen. Tome Towe, on February 4, 1993, at 1:05 P.M.

ROLL CALL

Members Present:

Sen. Tom Towe, Chair (D)
Sen. Bill Wilson, Vice Chair (D)
Sen. Gary Aklestad (R)
Sen. Jim Burnett (R)
Sen. Tom Keating (R)
Sen. J.D. Lynch (D)

Members Excused:

Members Absent: Sen. Blaylock

Staff Present: Eddy McClure, Legislative Council
Patricia Brooke, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 223
Executive Action: SB 164, SB 163

HEARING ON SB 223

Opening Statement by Sponsor:

Senator Bartlett, Senate District 23, Helena, introduced SB 223 at the request of the Department of Labor. Sen. Bartlett outlined the three primary intentions of SB 223: 1) Conforming Montana law to the Federal Fair Labor Standards Act, 2) Defining hazardous occupations for minors under 18, 3) Establishing maximum hours of work for 14 and 15 year olds and defines the hours of the day during which school age children may work. SB 223 prohibits work during school hours unless the work is associated with a school-related activity. Sen. Bartlett stressed SB 223 will ensure teenagers work in a safe environment but still have adequate time for personal pursuits and to complete their schoolwork. Sen. Bartlett listed the exemptions allowed in SB 223. Sen. Bartlett submitted amendment requests to the Committee (Exhibit #1) and informed the Committee a fiscal note has been requested.

Proponents' Testimony:

Chuck Hunter, Department of Labor and Industry, stated the current Child Labor Act was written in 1907, has had no real changes since, and is extremely outdated. Mr. Hunter explained the Department of Labor has been working with many individuals to craft a bill which conforms to the Federal Fair Labor Act and provides a single standard for the employers. SB 223 brings the law up to date and conforms Montana law to the Federal law. Mr. Hunter reported the fiscal note will be approximately \$40,000 to cover a full-time employee to serve in a preventative role. Mr. Hunter also informed the Committee he has a note from Charles Brooks, Montana Realtors Association, which states he endorses this bill.

Father Jerry Lowney, Catholic Priests Council, passed out literature to the Committee that speaks to the argument that when children work up to 10 hours a week their grade point goes up and when they work more than 10 hours a week their grades begin to fall (Exhibits 2 and 3). Father Lowney explained his concern about the Montana's lack of a child labor law and stated he sees a real need for this legislation. Father Lowney discussed his nephew's experience of working with heavy machinery in the workplace. It is only Federal law that prohibits the children's use of heavy machinery and it is rather complicated to have it enforced without the State prohibiting it. Father Lowney urged the Committee to support SB 223 unanimously.

Tim McCauley, testifying for himself, Helena, told the Committee he is a parent who strongly supports SB 223. Mr. McCauley stated he feels it is important for teenagers to work but if they are overworked, or not working in a safe environment, it can have negative affects on them.

Nancy Coopersmith, Office of Public Instruction, conveyed the support of SB 223 by the Office of Public Instruction. Ms. Coopersmith informed the Committee that those students who achieve at high levels at school do not work long hours outside of school. School is a job for school-age youth, she stated.

Eric Feaver, Montana Education Association, stated the Association supports SB 223 whole-heartedly and would go further in limiting the work students are allowed to do during the school week. Mr. Feaver urged the Committee fully support SB 223.

Lorna Frank, Montana Farm Bureau, stated she represents over 4,500 members throughout the state and is in full support of SB 223 and recommends the Committee pass the bill.

Paulette Kohman, Montana Council for Child Health, stated abuse of child labor exists and it is important SB 223 be passed.

Terry Minow, Montana Federation of Teachers, stated SB 223 will protect children and they are in need of protection. Ms. Minow urged the Committee pass the bill.

Harley Warner, Montana Association of Churches, stated his organization is in support of SB 223 and handed out literature which covers employment of children(Exhibit #4 and #5).

Jessica Batson, Helena High School, rose in support of SB 223.

Wendy Berringham, Helena High School, rose in support of SB 223 and submitted written comments(Exhibit #6). Ms. Berringham showed the Committee a scar on her arm, received from a burn in the workplace.

Charles Walk, Montana Newspapers Association, rose in support of SB 223. Mr. Walk pointed out the newspaper exemption in the bill only exempts the carriers. Any minor who would work at the newspaper other than as a carrier would be covered by SB 223 fully.

Sharon Hoff, Director, Montana Catholic Conference, stated the Organization's support of SB 223.

David Owen, Montana Chamber of Commerce, stated the Chamber is in full support of SB 223,

Pam Egan, Montana Family Union, rose in support of SB 223 and submitted written testimony(Exhibit #7).

Darrell Holzer, Montana State AFL-CIO, stated the Organization's support of the bill.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

Sen. Lynch asked Sen. Bartlett if children under fourteen are banned from all jobs. Sen. Bartlett pointed out section three on page 3, line 20, where the exemptions are outlined.

Sen. Lynch asked if children under fourteen years-old would be exempted from selling items on a commission. Harley Warren stated nothing in the bill prevents self-employment.

Sen. Keating asked Mr. Hunter how the law is to be policed and by whom. Mr. Hunter responded it would be enforced by the Department of Labor.

Sen. Keating asked Mr. Hunter if the Department of Labor would deal directly with the employer. Mr. Hunter replied the Department would deal with the parent if the parent employed the child or if they needed information from the parent.

Sen. Keating stated he has a problem with parental neglect and

having the state assume a large parenting role. Sen. Keating asked Father Lowney how the parents are involved so they are not relieved from their obligation under this legislation. Father Lowney replied the present legislation places the burden on the parent to remove the child from workplace but SB 223 forces the state to deal with the employer without the burden being on the parent.

Sen. Aklestad asked Mr. Hunter where SB 223 goes beyond the Federal law. Mr. Hunter replied it does not go beyond, it complies.

Sen. Aklestad asked Sen. Bartlett about section 6, line 24, item 5 and is it the intention to prohibit children from moving boxes in a freight elevator. Sen. Bartlett responded by saying there are many elevators which are dangerous to operate. Sen. Aklestad asked Sen. Bartlett if this part of SB 223 specifically addresses freight elevators. Sen. Bartlett responded in the affirmative.

Sen. Towe asked Mr. Hunter which Federal law will SB 223 conform to. Mr. Hunter responded SB 223 complies with the Federal Fair Labor Standards Act.

Sen. Towe stated his concerns about the agriculture exemptions in SB 223. Mr. Hunter stated children will not be prohibited from working on the farm but from operating dangerous machinery and there are two tiers of prohibited activities.

Sen. Towe stated most of the power driven equipment is prohibited but a power driven tractor is not on the list. Father Lowney responded it was intentional to leave the tractor off the list.

Sen. Towe asked Mr. Hunter if cleaning a hotel room is a prohibited activity. Mr. Hunter replied that is not on the list of prohibited activities. Mr. Hunter clarified that the list of prohibitions in section 7 refers to activities prohibited during school hours.

Sen. Aklestad asked if the law is different when the child is employed by his/her parent. Mr. Hunter replied that if a child is working for his/her parents, the exemption of working for parents overrides everything with the exception of working at hazardous occupations.

Closing by Sponsor:

Sen. Bartlett closed by stating her appreciation to Father Lowney and the Department of Labor and Industry and many others who worked hard to make SB 223 come to fruition and closed her comments.

EXECUTIVE ACTION ON SB 164

Discussion: Sen. Harp introduced amendments on behalf of the

Department of Justice and referred to Beth Baker, Department of Justice to explain the amendments. Ms. Baker conveyed to the Committee that the intent of the amendments to section 3, is to clarify the relationship between the fraud unit of the State Fund and the Department of Justice. The State Fund unit is going to be dealing with prevention and detection, and the Justice unit is going to be dealing with investigation and prosecution. The State Fund unit will refer cases of suspected fraud to the Justice unit, which will take cases from the State Fund and follow them up.

Ms. Baker went on to explain why the amendment is removing the definition of fraud. The definition of fraud in the original SB 164 refers to the theft statute which does not define fraud, but theft. It limits the definition of fraud to wrongfully obtaining benefits, and the Department of Justice would like all types of fraudulent conduct covered.

Ms. Baker addressed the amendments, which clarify the intent of SB 164, that workers not receive benefits and wages at the same time. The way the bill is drafted it is not clear what cases would constitute an offense. Sen. Lynch asked for an example of when a worker would get both wages and permanent total benefits. Nancy Butler, General Counsel for the State Fund, replied normally this would not happen but the amendments clarify it is theft unless the State Fund has given consent.

Sen. Harp stated there is no effective date for SB 164 and he would like it to be July 1.

Motion/Vote: Sen. Lynch moved to AMEND SB 164(Exhibit #8). The motion to AMEND SB 164 CARRIED UNANIMOUSLY.

Discussion: Sen. Harp addressed the amendments offered by Rep. Cocchiarella. He said the record keeping the amendments called for is already being done. Sen. Lynch responded he will feel better if it is known exactly what money is going into fraud prevention.

Motion/Vote: Sen. Lynch moved to AMEND SB 164(Exhibit #9). The motion to AMEND SB 164 CARRIED UNANIMOUSLY.

Motion/Vote: Sen. Keating moved 164 DO PASS AS AMENDED. The motion to DO PASS 164 CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 163

Discussion: Sen. Harp addressed the amendments which refer to temporary workers(Exhibit #10, SB016303, part 7). Sen. Harp agreed temporary workers should follow the safety rules of their temporary employer, not the agency that places them.

Motion/Vote: Sen. Lynch moved to AMEND SB 163(Exhibit #9,

SB16303, parts 1-7). The motion to AMEND SB 163 CARRIED UNANIMOUSLY.

Discussion: George Wood, Executive Secretary, Montana Self Insurers Association, addressed the amendments offered by Sen. Towe(Exhibit #9, SB016305). Mr. Wood said these amendments clarify the intent of SB 163 to cover Plan 2 and Plan 3 only since these are the only insurers who issue policies and would have the obligation to provide safety to their policy holders. Mr. Wood emphasized with these amendments there is no change in substance. Sen. Towe asked Mr. Wood why the insurers should not be covered. Mr. Wood said these particular insurers do not have policy holders. Sen. Towe referred to page 5, line 22 and asked what Plan 1 people are going to fall under. Mr. Wood argued it is not the intent of the bill for the self-insured to notify themselves of safety programs. Sen. Towe did not see any reason for the self-insured to be exempt.

Sen. Harp stated he felt strongly against excluding Plan 1 policy holders.

Sen. Towe listed the amendments to be adopted: #3,4,6,10,15, and 19(Exhibit #9, SB016305) and asked what Sen. Harp felt about #20 and 21. Sen. Harp responded he did not have a problem with those. Both Sen. Harp and Sen. Towe expressed strong opposition to #23 and determined there was no need for amendment #28.

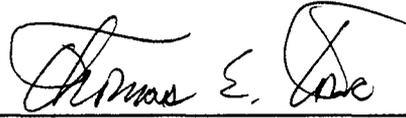
Eddy McClure read the final list of amendments to adopt: #3,4,5,6,7,10,15,17,19,20,21 and 30.

Motion/Vote: Sen. Lynch moved to AMEND SB 163(Exhibit #9, SB16305). The motion to AMEND SB 163 CARRIED UNANIMOUSLY.

Motion/Vote: Sen. Lynch moved to adopt the amendments requested by Representative Cocchiarella(Exhibit #9, SBO16301, #2 and 3). The motion to AMEND SB 163 CARRIED with Senators Aklestad and Burnett voting NO.

ADJOURNMENT

Adjournment: 3:00 P.M.



SEN. TOM TOWE, Chair



PATRICIA BROOKE, Secretary

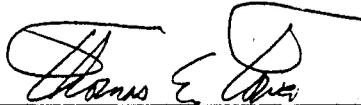
TET/pmb

SENATE STANDING COMMITTEE REPORT

Page 1 of 3
February 8, 1993

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration Senate Bill No. 164 (first reading copy -- white), respectfully report that Senate Bill No. 164 be amended as follows and as so amended do pass.

Signed: 
Senator Thomas E. "Tom" Towe, Chair

That such amendments read:

1. Title, line 10.
Following: "FRAUD;"
Strike: "AND"
2. Title, line 11.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"
3. Page 1, line 17.
Following: "prosecute"
Strike: "fraud for"
Insert: "cases referred by"
4. Page 1, line 21.
Following: "(1)"
Strike: "three"
Insert: "four"
5. Page 2, lines 6 and 7.
Strike: subsection (3) in its entirety
6. Page 2, line 21.
Following: "unit"
Insert: "-- expenditure accounting"
7. Page 2, line 23.
Following: "and"
Strike: "investigative"
Insert: "prevention"
8. Page 2, line 24.
Following: line 23
Strike: "investigative"
Insert: "detection"

9. Page 2, line 25.

Following: "and"

Strike: "investigation"

Insert: "detection"

Following: "of"

Strike: "fraud with respect to"

Insert: "fraudulent conduct under"

10. Page 3, line 1.

Following: "72"

Insert: ", that is subject to prosecution under Title 45"

Following: "."

Insert: "The unit shall refer all cases of suspected fraudulent conduct to the workers' compensation fraud investigation and prosecution office established in [section 1]."

11. Page 3, lines 2 and 3.

Strike: subsection (2) in its entirety

12. Page 3, line 4.

Following: line 3

Insert: "(2) The state fund shall expend money to investigate fraud pursuant to this section and shall separately account for money expended."

13. Page 3, line 12.

Following: "title"

Strike: "may be"

Insert: "is"

14. Page 3, line 13.

Following: line 12

Insert: "and may be prosecuted"

Following: "attorney"

Insert: "or the attorney general"

15. Page 5, line 12.

Following: the first "the"

Insert: "written"

16. Page 5, lines 13 through 16.

Following: "insurer." on line 13

Strike: remainder of line 13 through "45-6-301(6)." on line 16

Insert: "A worker who receives both wages and temporary total disability benefits without written consent of the insurer is guilty of theft and may be prosecuted under 45-6-301."

17. Page 7, line 3.
Following: the first "the"
Insert: "written"

18. Page 7, lines 4 through 7.
Following: "insurer." on line 4
Strike: remainder of line 4 through "45-6-301(6)." on line 7
Insert: "A worker who receives both wages and permanent total
disability benefits without written consent of the insurer
is guilty of theft and may be prosecuted under 45-6-301."

19. Page 9, line 4.
Following: "to"
Strike: "work"
Insert: "the job held at the time of injury"

20. Page 9, line 14.
Following: the first "the"
Insert: "written"

21. Page 9, lines 15 through 17.
Strike: line 15 through "45-6-301(6)." on line 17
Insert: "A worker who receives both wages and rehabilitation
benefits without written consent of the insurer is guilty of
theft and may be prosecuted under 45-6-301."

22. Page 9.
Following: line 24
Insert: "NEW SECTION. Section 9. Effective date.
[This act] is effective July 1, 1993."

-END-

Amendments to Senate Bill No. 223
First Reading Copy

Requested by Senator Barlett
For the Senate Labor Committee

Prepared by Eddy McClure
February 4, 1993

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. #1

DATE 2/4/93

BILL NO. SB 223

1. Page 1, line 11.
Following: "section"
Strike: "13"
Insert: "12"

2. Page 1, line 18.
Page 1, line 20.
Page 3, line 21.
Page 3, line 24.
Page 15, line 1.
Page 15, line 2.
Page 15, line 5.
Page 15, line 7.
Page 15, line 9.
Page 15, line 12.
Page 15, line 14.
Page 15, line 16.
Page 15, line 19.
Page 15, line 21.
Page 16, line 2.
Page 16, line 5.
Following: "through"
Strike: "14"
Insert: "13"

3. Page 8, lines 16 and 17.
Following: "(16)" on line 16
Strike: remainder of line 16 through "helper" on line 17
Insert: "riding outside a motor vehicle to assist in transporting
or delivering goods"

4. Page 14, lines 12 through 22.
Strike: section 11 in its entirety
Renumber: subsequent sections

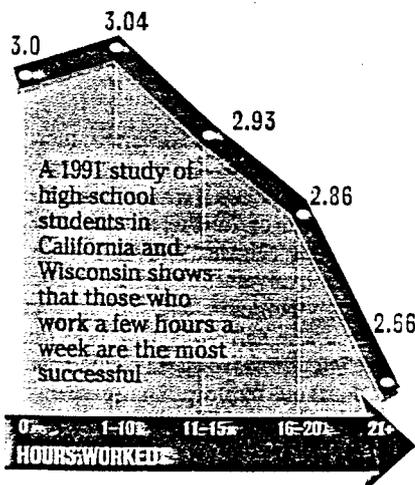
Too Old, Too Fast?

Millions of American teenagers work, but many may be squandering their futures

BY STEVEN WALDMAN
AND KAREN SPRINGEN

Anyone who thinks teenagers spend their afternoons playing hoops, hanging out at the mall—or, for that matter, studying—should meet 18-year-old Dave Fortune of Manchester, N.H. He wakes up at dawn, slurps some strawberry jam for a sugar rush, goes to the high school until 2:30 p.m., hurries home to make sure his little sister arrives safely, changes and goes off to his job at a clothing store. He gets home at around 10:30, does maybe an hour of homework—"if I have any"—and goes to sleep around midnight. The routine begins anew five hours later. Fortune knows he's sacrificed some of his school life for his job. He misses playing soccer and baseball as he did in junior high, and he had to give up a challenging law class because he had so little time for studying. "I have to work," Dave says. "I *have* to work."

Grade-Point Averages



SOURCE: L. STEINBERG, S. M. DORNBUSCH

A peek in Fortune's closet suggests otherwise. His back-to-school wardrobe: two leather jackets, six sweaters, 12 pairs of jeans, four pairs of shoes, two pairs of sneakers, two belts, "loads of shirts," and a half-dozen silk pants and shirts that would make a jockey proud. Price tag for the spree (with his store discount): \$550.

After-school jobs have become a major force in teen life. More than 5 million kids between 12 and 17 now work, according to Simmons Market Research Bureau. Teens are twice as likely to work as they were in 1950. The change has been fueled by the growth of the service sector after World War II, the rise of the fast-food industry in the 1960s and '70s and an increase in the number of girls entering the work force. About two thirds of seniors today work more than five hours a week during the academic year. While Wally Cleaver's afternoons were occupied by varsity track, basketball and hanging around with Eddie Haskell, Brandon Walsh on "Beverly Hills, 90210" waits on tables at the Peach Pit because his wealthy parents think it will teach him responsibility—and so that he could buy a Mustang convertible.

As political attention focuses on improving the quality of high schools—and producing a highly trained work force better fit for global competition—states have begun restricting the hours teens can work during the school year. In their senior year, about 47 percent of male student workers and 36 percent of females put in more than 20 hours per week at their jobs. Psychologists and teachers see the strain



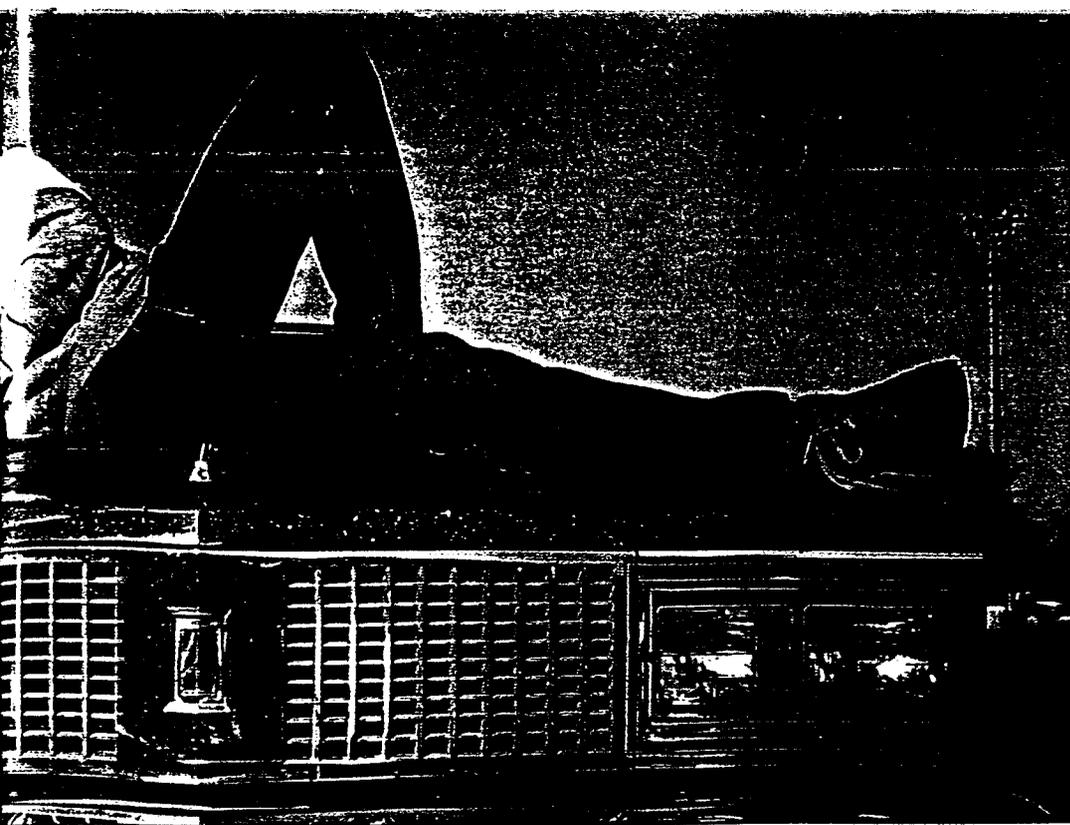
MICHAEL SZPISJAK He doubled his working



DAVID FORTUNE

Working nights at a clothing store allows less time for homework—"if I have any"—but it allows for a well-stocked wardrobe

on students. They have little time for homework, and teachers who regularly watch exhausted students struggling to keep their heads up all too often respond by lowering standards. "Everybody worries why Japanese and German and Swedish students are doing better than us," says Laurence Steinberg, a psychology professor at Temple University. "One reason is they're not spending their afternoons wrapping tacos."



role in changing the relationships between teens and their parents. Pulled in many directions, parents grant their working children striking amounts of autonomy. Working at the local McDonald's, in short, has enabled many teens to buy out of adolescence.

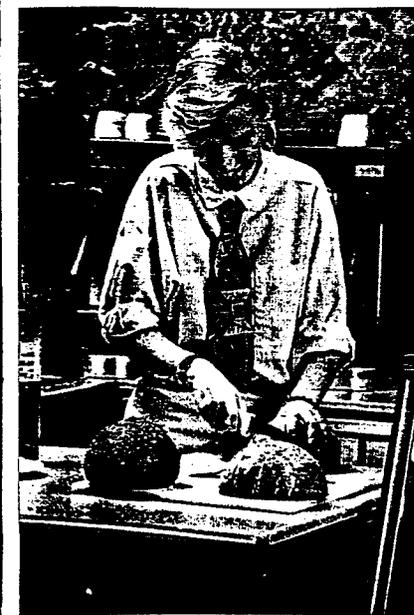
There are those, of course, who must work. The recession has forced some kids into the labor force to help their parents survive. Teachers, students and social scientists also agree that work can teach discipline, self-respect and efficiency. Fortune's father, for example, insisted his son work to learn some responsibility—and the son says he has. Some studies show that kids who work moderately actually do better in school than those who don't take jobs at all. Students on the verge of dropping out—or into criminality—can be kept on track by a good job. It can even teach tolerance by forcing them to meet kids of different social cliques.

Nonetheless, educators worry that while the benefits of work have been known for years, a range of problems has been left unexplored. Some are apparent at Pembroke Academy, a public high school near Concord, N.H.:

■ Vanessa Thompson saw her grades plummet from B's to D's when she increased her schedule last year from 25 to 30 hours a week at a movie theater and Lady Foot Locker. "You either do homework at study hall or it just doesn't get done," she says. Her boss at the shoe store questioned whether she was keeping up with school. "Of course I lied to her because I needed the hours," Thompson says. "School's important but so's money. Homework doesn't pay. Teachers say education is your payment, and that just makes me want to puke."

■ Andrew Cutting points to a small red scar above his right eye, a reminder of what might be called a job-related injury. Last month Cutting was in study hall writing a composition when, midsentence, he fell asleep, slamming his head down on the tip of his pen cap. "It hurt wicked bad," he says. "I felt like an idiot." He was tired from pumping gas at a nearby Mobil station the night before. He says he's managing his sleep better now and will keep the job so he

hours—with his father's approval—even though both knew it might hurt his studies



KRIS MILLER

'I'm losing my kid,' says Betty Miller, whose daughter, Kris, fixes pastries at a restaurant



MARVIN SILVER

Because he put in so many hours at a department store, he was able to eat with his parents only on weekends

The significance of after-school work goes beyond sagging test scores and eyelids. In interviews with 64 high-school students in New Hampshire, Iowa, Virginia, Illinois and Maryland, an unsettling picture emerges. The prevalence of youth employment has transformed what it means to be a teenager. Kids who take jobs by choice, not necessity, have worked themselves into what one scholar called "premature affluence"—the ability to fi-

nance consumer binges even as their parents are cutting back.

They buy clothing with all the well-heeled restraint of Imelda Marcos. Many have cars, which they use to go on lavish dates. Despite the recession, only 10 percent of high-school seniors surveyed last year said they were saving most of their earnings for college, and just 6 percent said they used most of it to help pay family living expenses. Finally, jobs even play a

can buy a car and pay for his own clothes instead of the "queer shirts with butterflies on the collar" his parents get. His head probably hurts less, too.

■ Artie Bresby stocks shelves at Shaw's Supermarket. To sustain his job pace, he takes six Vivarin pills (equivalent to about 15 cups of coffee), plus two liters of turbo-charged Mountain Dew. That, however, did not stop him from dozing off dur-

ing a group interview with NEWSWEEK.

Are these three the exception or the norm? Their schedules, at least, are typical. A 1989 study by the state of New Hampshire found that 77 percent of seniors were employed and more than half of them worked more than 20 hours. Does working too much really hinder academic performance? Some scholars cite Japan, where students do better in school—and work at jobs

less. According to a forthcoming study by University of Michigan professor Harold Stevenson, 74 percent of juniors surveyed in Minneapolis worked—compared with 21 percent in Sendai, Japan. Indeed, almost half the public schools in Tokyo prohibit students from working.

Other U.S. studies have shown a more direct link between hours worked and academic achievement. A study by the Educa-

'Needing and Wanting Are Different'

BY JIMMY CARRASQUILLO

Mom, can I have some money?" Those are the words my mother used to hear all the time. In return, I heard, "Why don't you get a job? Not to make me happy, but so that you have your own money and gain a bit more responsibility." So last year I got a job with Montgomery Ward's photo studio, working about 25 hours a week. For \$5 an hour, I was a telephone salesman, trying to persuade people to come in for a free photograph.

All this was during football season and I was on the team as a kicker. To do football and homework and my job at the same time became really hard. I was burning out, falling asleep at school, not able to concentrate. My first class was physics and I hated it. I'd just sit there with my hand on my cheek and my elbow on the desk, and start dozing. One day the teacher asked my partner what I was doing and she said, "Oh, he's sleeping." The teacher came to the back of the class and stared at me. The whole class looked at me for about two minutes and laughed.

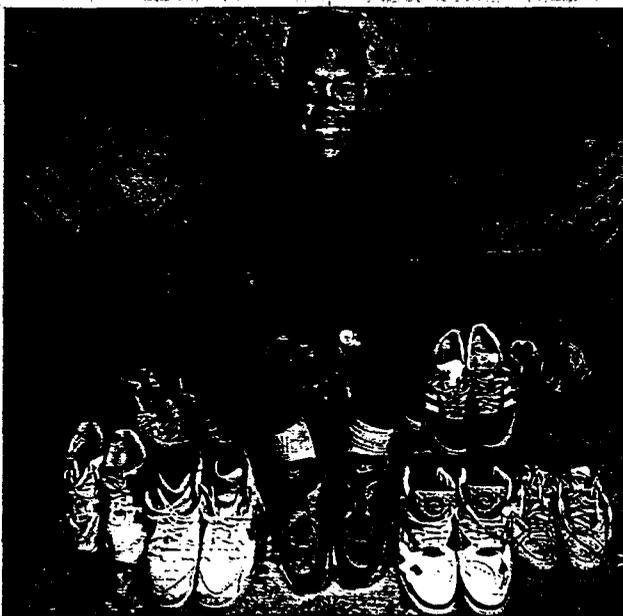
My third-period history teacher was really concerned. She was cool. A lot of times, I'd fall asleep in her class. She'd scream, "Wake up!" and slam her hand on my desk. I'd open my eyes for about two minutes, pay attention and go back to sleep. She asked me if I could handle school, football and work. I said, "Yeah. I'm doing OK so far." She

said, "Why? Why all this?"

I told her it was for the things I need, when actually it was for the things that I wanted. Needing and wanting are

how much my job was hurting my schoolwork.

My priorities were screwed up. On a typical night I did about an hour of homework. A lot of times it was hard for me to make decisions: do I want to be at work or do I want to be at



KATHERINE LAMBRETT

'I WAS GREEDY'

My third-period history teacher was really concerned. She'd scream, "Wake up!" and slam her hand on my desk. I'd go back to sleep.

different. Needing something is like your only shoes have holes in them. But when a new pair of sneakers came out and I liked them, I'd get them. My parents didn't feel it was right, but they said, "It's your money, you learn to deal with it." Within two years I had bought 30 pairs. My parents would laugh. "You got your job, you got your money—but where's your money now?" They didn't realize

practice? Do I want to worry about what I'll have today or what I'll have in the future? Sometimes I felt there was no right choice. One week in the winter I had to work extra days, so I missed a basketball game and two practices. (I'm on that team, too.) When a substitution opportunity came at the next game, the coach looked at me and said, "OK, we're running I-5," a new play they had developed

during the practices I had missed. I told him I didn't know it, so he told me to sit back down. I felt really bad, because there was my chance to play and I couldn't.

I really did resent work. If I hadn't been so greedy, I could have been at practice. But I kept working, and the job did help me in some ways. When you have a lot of responsibilities, you have to learn how to balance everything. You just grow up faster. At home, your parents always say, "I pay the bills so while you're here you're under my rules." But now with my money I say, "No, no no. You didn't pay for that, I did. That's mine."

Slowly, I've come to deal with managing money a lot better. At first, as soon as I had money, it was gone. Now it goes straight into my bank account. This year I decided not to work at all during football season. I have a lot more time to spend with other players after the game and feel more a part of the team. I've only fallen asleep in class once so far. I'm more confident and more involved in the classes. My marks are A's and B's, a full grade better than this time last year. I'm hoping that will help me get into a better college. I don't go shopping as much. I look at all the sneakers in school and think, "I could have those," but I don't need them. Last year I thought that being mature meant doing everything. But I'm learning that part of growing up is limiting yourself, knowing how to decide what's important, and what isn't.

Carrasquillo is a senior at Wakefield High School in Arlington, Va.

2-4-93
see 05



MARY CLARK

KATHERINE LAMBERT

She's proud to help her single mom by working as a baby-sitter. But last March she broke down and sobbed in class when the pressure of her school assignments was too much.

tional Testing Service concluded that kids who work longer hours are less likely to take biology and chemistry courses, and earn lower achievement scores in math, science, history, literature and reading. Another study of more than 68,000 students nationally linked working more than 20 hours to increased cigarette and alcohol use, less sleep and more truancy. While the author of the ETS study points out that these kids might not do well in school even if they weren't working, other researchers say that a heavy workload exacerbates poor performance.

Slipping standards: The job frenzy may even harm students who don't work. Some teachers demand less. Knowing that students were unlikely to read books outside class in part because of their job schedules, Ken Sharp, an English teacher at Pembroke, has his pupils spend a week reading a play aloud in class. A study of 1,577 Wisconsin teenagers in the early 1980s revealed that teachers shortened reading assignments, simplified lectures and reduced out-of-class assignments—all to accommodate teen work schedules. It "was a factor in demoralizing teachers and giving the students, in turn, a message that little of significance would happen at school," wrote Linda M. McNeil, the Rice University professor who conducted the study.

In some schools, standards are so low that it's become easy to get decent grades even while holding down a time-consuming job; there just isn't that much schoolwork to do. Parents, too, may lower expectations. Michael Szpisjak, a senior at Glenbrook South High School in Glenview, Ill., more than doubled his hours at a publishing com-

pany, though he knew it would hurt his grades. His father encouraged him to work. "Usually people at the bottom of the class are the most successful if you measure it in terms of how much money they make," says Stephen Szpisjak.

Teen work is also threatening extracurricular activities—which can be the best part of high school. Musical aptitude of students has declined since the days when "work was limited to summers and maybe a paper route," because students no longer have time to practice, says Terry Grossberg, the band teacher at Waukegan High in Illinois. William Turner played wide receiver his freshman year at Largo High in suburban Maryland, but quit last year to bag groceries so he'd have money for "clothes and girls." It turned out that was the year the team went to the state semifinals. His grades dropped as well, from 3.67 down to 2.50, so he cut back on his job this year.

Every individual reacts differently to work, but two groups seem immune to a job's detriments: weak and gifted students. "Some kids are not real good students, but at work, they're Queen of the May," says guidance counselor Gloria Mueller of Glenbrook South. The other group is that small slice at the top: the Roboteens who manage to do, and excel at, everything. John Fiorelli of Glenbrook wakes up at 5:30, runs three miles, earns grades in the top 10 percent, runs seven or eight miles after school for the cross-country team, serves as senior-class president and still works 15 to 20 hours washing dishes at a nearby hospital. "I like the pressure," he says.

Kids willingly make the sacrifice in part

because high school's frenzy of consumerism has grown only more intense. Teens have always coveted thy friends' belongings, but could do little about it when their pockets were empty. But teen earning power increased from \$65 billion in 1986 to \$95 billion last year, far outpacing inflation and parental income, according to Teenage Research Unlimited, a marketing firm. Teens spent \$82 billion in 1991, and have maintained the pace despite the recession. The more money Johnny has, the more he buys.

Some run-of-the-mill purchases by middle-class teens capture the 90210-ish expectations of teen life: Chris Lamarre, who works at a Manchester carpet store, bought his girlfriend a \$100 Gucci watch and himself a \$600 car stereo. Mary Kane of Olney, Md., spent \$1,000 of her earnings from Lady Foot Locker to go to Cancun for eight days with her friends. More and more students at Glenbrook South are spending hundreds of dollars to get beepers—not to consummate drug deals, but to retrieve messages from friends. Blame it on peer pressure: when you go out with friends, "you don't want to say, 'I can't do that, I don't have the money'," explains Kirsten Fournier, a senior at Manchester West High.

The growth of the youth spending culture raises an ironic question: wasn't work

MICHAEL L. ABRAMSON



JOHN FIORELLI

'I like pressure,' says the senior, who gets top grades, runs cross-country and works 15 to 20 hours a week

IOWA

DAVENPORT
NORTHPARK MALL
(319) 391-8189

W. DES MOINES
VALLEY WEST
(515) 223-4143

INDIANA

EVANSVILLE
EASTLAND MALL
(812) 479-1011

GREENWOOD
GREENWOOD PARK MALL
(317) 888-5434

INDIANAPOLIS
CASTLETON SQUARE MALL
(317) 842-9330

NEW LOCATION
4404 GEORGETOWN RD.
LAFAYETTE &
GEORGETOWN RD.
(317) 293-0763

MERRILLVILLE
SOUTHLAKE MALL
(219) 756-5006

KENTUCKY

LOUISVILLE
GARDINER LANE SHP. CTR.
3004 BARDSTOWN ROAD
(502) 452-2355

JEFFERSON MALL
4501 OUTER LOOP-232A
(502) 964-6255

MISSOURI

CHESTERFIELD
CHESTERFIELD MALL
(314) 532-9810

CRESTWOOD
CRESTWOOD PLAZA
(314) 968-9133

FLORISSANT
CLOCK TOWER PLACE
I-270 &
W. FLORISSANT AVE.
(314) 831-3311

KANSAS CITY
ANTIOCH MALL
(816) 454-9725

BANNISTER MALL
(816) 966-1106

SPRINGFIELD
BATTLEFIELD MALL
(417) 887-7885

ST. ANN
NORTHWEST PLAZA
(314) 291-3314

COLORADO

AURORA
AURORA MALL
(303) 361-6007

BOULDER
CROSSROADS MALL
1600 28TH ST.
(303) 447-1779

COLORADO SPRINGS
NEW LOCATION
THE CITADEL
750 CITADEL DRIVE E.
(719) 637-8540

DENVER
CHERRY CREEK MALL
3000 E. 1ST AVE.
(303) 320-0149

TIFFANY PLAZA
7400 E. HAMPOEN AVE.
(303) 793-0115

LAKEWOOD
VILLA ITALIA SHP. CTR.
(303) 935-8684

LITTLETON
SOUTHGLENN MALL
(303) 798-5090

WESTMINSTER
WESTMINSTER MALL
5503 W. 88TH AVE.
(303) 427-9150

KANSAS

OVERLAND PARK
OAK PARK MALL
(913) 888-0294

WICHITA
TOWNE EAST SQUARE MALL
7700 E. KELLOGG
(316) 687-2500

MONTANA

BILLINGS
RIMROCK MALL
300 S. 24TH W.
(406) 652-1343
1-800-448-9696

MISSOULA
SOUTHGATE MALL
HWY 93
(406) 728-2904
1-800-535-8855

NEBRASKA

OMAHA
WESTROADS MALL
(402) 397-9002

supposed to teach kids the "value of the dollar"? Well, in a way, it does. "You see a two-for-one deal at a store and you're like, 'Whoaaa!'" says Chris Weir of Pembroke. Jerald Bachman, program director of the University of Michigan's Institute for Social Research, argues that students who develop premature affluence become accustomed to spending large percentages of their take-home pay. Why can Rasheda Stevenson, a Largo High senior, who worked 20 hours a week last year as a cashier, be so profligate? "If I see some dress shoes and they're, like, \$80," she says, "my mother's going to wait until they go on sale. But if I want them I can get them right then and there. I don't have bills to pay. I don't have any children. It's just me." Stevenson has 20 pairs of dress shoes—and "a purse to go with every pair"—plus 10 pairs of tennis shoes.

The most important thing students can "buy" with their jobs is an altered relationship with their parents. Time after time, students say employment gave them more freedom. Parents who would contemptuously refuse to buy their children a shelf of color-coordinated Nikes can take the posture "It's your money; you can

Teens in Two Societies

In different cities, here's where teenagers get their money and how they spend their time.

	Sendai, Japan	Minneapolis, U.S.
Percent working	21%	74%
Mean number of hours worked weekly	9.8 hrs.	15.6 hrs.
Percent feeling stress at least once a week	43.4%	71.2%
Portion of spending money from parents	94.7%	47.5%
Weekly amount received from jobs and parents	\$86	\$205
Percent dating	36.8%	84.5%
Weekly TV watching	16.7 hrs.	12 hrs.

SOURCE: UNIVERSITY OF MICHIGAN

spend it on what you want." The net effect is that teens can feel, and are treated, more like adults. "It was like I just lived there, like a tenant," says Marvin Silver of Largo High. Last year he had dinner with his parents just on weekends while he was working at Morton's department store roughly 25 hours a week. "I'm losing my kid," says Betty Miller, whose daughter, Kris, a Wakefield High senior, fixes pastries and cappuccino at Bistro Bistro four and a half hours, four nights a week.

MARTIN SIMON—SABA



RASHEDA STEVENSON

For this senior, having a job means the affluence of owning 20 pairs of dress shoes—all with matching purses

Parents often agree to the new arrangement because maintaining authority has become so difficult. Vetoing a son's purchase of Calvins or a used Mustang would mean forcing him to swim against a tidal wave of materialism at school. Patricia Turner, mother of the Largo student who missed the football championship, says parents now confront the extra fear that if they don't allow their kids to earn the trappings of adolescence legally, they will be lured by the easy money of drug dealing.

Cash relief: A kid's self-sufficiency can also relieve a parent of financial burden, even if the teen isn't directly pitching in for rent. But saying that a daughter can't sacrifice the glee club to buy a car means that parents might have to pick her up at school; with both working, that might be impossible. By accepting this assistance, parents in effect sell some of their authority for cash relief. They're selling too low, says Dr. Lawrence Hartmann, past president of the American

2
2-4-93
SB 272

Psychiatric Association. "Parents should be parents, and children should be children."

For those empathetic children who try to take care of their families as well as do "youthful" activities, the pressure can be enormous. Mary Clark's mother encourages her to participate in Wakefield High activities because "you're only young once." But Mary was proud she was able to pay for redecorating her room so she wouldn't have to ask her mom, who is single and holds down two jobs, as a waitress and a secretary. But taking on so much can be overwhelming. Last March, she was baby-sitting three nights a week, helping take care of her nephew, trying to learn her lines for her role in "Julius Caesar" and worrying about an academic project soon due. She sat in class realizing that in addition to all that, she wasn't understanding the algebra lesson. In the middle of class, she broke down and quietly sobbed.

Only in recent years have states, parents and business owners tried to preserve the numerous benefits of work while eliminating the excesses. Washington state last month imposed a 20-hour limit for 16- and 17-year-olds while school is in session—half the previous level. Wisconsin, Indiana,



ANDREW CUTTING

Pumping gas gives him money for a car and clothes. But he 'felt like an idiot' when he fell asleep in study hall and bruised his head on the tip of his pen cap.

New York, North Carolina and Maine have restricted work hours this year, and, since 1990, eight other states have changed their rules. But some business groups have mobilized to block restrictions. In Washington state, fast-food companies bused in burger flippers to protest against the proposed reduction to 20 hours a week.

Such restrictions mean nothing, of course, if they're not enforced. A child-labor crackdown by former labor secretary Elizabeth Dole has all but disappeared un-

der the administration of Lynn Martin. The number of federal investigators has dropped from 970 to 841 in three years, and the department has asked for only 825 next year. States have cut back, too. Illinois now has only 13 child-labor inspectors for the entire state, down from 18 five years ago. And while lax enforcement can lead to sleepy students, it also allows for far worse: more than 71,000 teenagers were injured at work in 1990, according to a recent study by the National Safe Workplace Institute.

Burger bonus: Attitudes of individual bosses range from cruel to paternal. One student said he was forced to miss graduation ceremonies to keep his job. "I would have employers write me the nastiest letters because I wouldn't drop a chemistry class

because they wanted a kid to work at 1 [p.m.]" says Manchester West principal Robert Baines. "I finally wrote back and said, 'Please leave them alone until 2:33.'" Yet other students reported that their supervisors helped them with homework or crafted schedules around exams and athletics. The owners of 25 McDonald's in Baton Rouge, La., last year started offering bonuses to kids with good grades. A 3.0 average earns an extra 15 cents per hour. Schools are increasingly taking the posture that if

students are going to work, it should at least be at a meaningful job. High-school students in rural Rothsay, Minn., actually run the local hardware and grocery stores so students can gain supervised experience tied to a curriculum. A program in Chicago helps teens run New Expression, a paper with a circulation of 70,000.

Ultimately, though, it is neither legislators nor employers who will have to solve the conundrum of teen work. Most parents are proud of their children earning a paycheck, but find themselves unaware of the problems their children's jobs can create. All parents want the best future for their kids. Once upon a time, after-school work seemed a perfect way to teach sons and daughters a little something about the real world and reward them with some cash at the same time. Now, for too many teenagers, too much of a wise thing may be squandering that very future.

With Marcus Mabry in Washington



PHOTOS BY SCOTT THODE—JB PICTURES

VANESSA THOMPSON

Thompson (left) saw her grades drop from B's to D's last year after she increased her working hours from 25 to 30 a week. 'Teachers say education is your payment,' she says. 'and that just makes me want to puke.'

After-school job may lead teens into trouble

By the Associated Press

DENVER — Teens who work after school are more likely to break the law and tempt trouble than those who don't have jobs, according to a study that turns assumptions about work and responsibility on its head.

Such findings aren't new, but the study conducted at the University of Colorado at Boulder is the first such survey that's national in scope, said sociology professor Delbert Elliott, who heads the ongoing research.

"In that sense, it's a little differ-

ent," Elliott said of the survey's nationwide view. "The finding is a very robust finding."

The study found teens who work before graduating from high school are about 1½ times more likely to commit criminal offenses and use alcohol, and are more than twice as likely to experiment with marijuana.

"To be honest, we didn't believe it," Elliott said of the initial results. "You know — idle hands are the devil's workshop."

Researchers were so skeptical at first, he said, they figured they over-

looked something. But when the numbers were reckoned again to account for potentially skewing factors, the results were the same.

Elliott emphasized that the findings mean only that work poses a greater risk of delinquency; trouble is far from inevitable.

"The research has indicated there are indeed some positive benefits from going to work," Elliott said.

But on the negative side, he said, the survey showed "a job may replace interest in school. Then what happens is a decline in educational

aspiration ... and in activities surrounding the school."

The findings come from a long-term survey. Each time, survey subjects — who cross the economic and ethnic spectrums — are asked confidentially if they broke the law or used drugs or alcohol. Those who worked as teens were employed in a wide range of jobs — in fast-food restaurants, in retail stores, as gofers in professional firms.

Elliott said parents may counter the risk of trouble by better supervising their employed offspring.

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. #3
DATE 2/4/93
BILL NO. SB 223

PUTTING CHILDREN AND FAMILIES FIRST

While many children lead happy, secure, safe lives, too many others in our country and throughout the world do not. Every year, 1.6 million innocent children's lives are destroyed by legalized abortion in the U.S. alone. One in four children in this country lives in poverty. Every day throughout the world, 44,000 children die from poverty, hunger and related problems.

The Catholic community brings to this moral challenge three key assets: the values of the Scriptures where children are seen as blessings, the message of Catholic teaching which calls us to measure society by how children and families fare, and our experience in serving children and their families. We support their spiritual life in our parishes, we educate them in our schools, we care for them in our hospitals, and we provide a wide range of supportive services through our charitable and outreach programs.

While the bishops recognize that our homes, neighborhoods, parishes, and communities are where the most important work to support children occurs, they also recognize the role public policy can play in strengthening or undermining families.

"No government can love a child and no policy can substitute for a family's care, but clearly families can be helped or hurt in their irreplaceable roles. Government can either support or undermine families as they cope with the moral, social, and economic stresses of caring for children."

Further, the bishops decry an unnecessary and unreal polarization about how to help families, which has pitted those who promote more personal responsibility against those who support "family friendly" policies.

"The undeniable fact is that our children's future is shaped both by the values of their parents and the policies of our nation...We believe parental responsibility and broader social responsibility, changed behavior and changed policies are complementary requirements to help families."

CRITERIA FOR NATIONAL POLICY

The bishops suggest seven criteria for pro-family public policies:

- Put children and families first in the allocation of resources and the focus of public life.
- Help; don't hurt. Support policies that strengthen rather than undermine families.
- Those with the greatest need require the greatest response.
- Empower families. Help families meet their responsibilities to their children.
- Fight economic and social forces which threaten children and family life.
- Build on the strengths of families: reward responsibility and sacrifice for children.
- Recognize that foreign policy is increasingly children's policy.

THE CALL TO ACTION

Pointing to the many helpless and hopeless children who haunt our world, the bishops call on all of us to turn our values into action on behalf of children and families.

"We hope the Catholic community will become a persistent, informed and committed voice for children and families, urging all American institutions from neighborhood associations to the federal government to put our children first."

DIRECTIONS FOR PUBLIC POLICY

NATIONAL POLICY DIRECTIONS

1. Protect the lives of children by opposing abortion and government funding of abortion.
2. Protect family members from abuse by prohibiting pornography, reforming family services, and increasing support for adoption and foster care.
3. Promote decent jobs at decent wages, and support adequate job training.
4. Reform the tax laws to help families cope with the high cost of raising children -- e.g. a children's tax credit.
5. Provide for poor children through adequate welfare benefits and policies that promote family stability, not separation.
6. Promote family-friendly workplace policies such as family and medical leave protection.
7. Promote equal opportunity in education, affirmative action in employment and nondiscrimination in housing.
8. Promote quality education by offering programs like HeadStart, and vouchers or tax credits that allow school choice.
9. Support basic nutrition programs like food stamps and the Women, Infant, and Children (WIC) program.
10. Extend quality health care to all, beginning with our children and their mothers.
11. Support housing, planning, and zoning policies that promote affordable housing.
12. Provide appropriate medical, educational, rehabilitative and social services for persons with disabilities, and ensure full implementation of the Americans with Disabilities Act.
13. Embrace a "children first" principle in cases of divorce, and strengthen child support enforcement policies.

INTERNATIONAL POLICY DIRECTIONS

1. Meet the basic needs of children throughout the world including shelter, food, health care, education, and the elimination of child labor, children in military service, and other exploitative practices.
2. Shape U.S. economic policies that include:
 - an international trading system that discourages the exploitation of children by ensuring that poor countries receive fair prices for their exports.
 - a foreign aid program that places emphasis on the needs of children and families rather than security and military interests;
 - a global financial system that recognizes the economic and social costs to families of developing countries' massive external debt, and pursues ways to relieve it equitably and realistically.
3. Oppose coercive population and abortion policies and discrimination against women.

MONTANA RELIGIOUS LEGISLATIVE COALITION
(MRLC)
P. O. BOX 745
HELENA, MONTANA 59624

MONTANA ASSOCIATION OF CHURCHES
POSITION PAPERS

- AGRICULTURE - LAND & FARM CRISIS
- CAPITAL PUNISHMENT
- CORPORATE & GOVERNMENTAL RESPONSIBILITY IN MATTERS OF PLANT CLOSURES & /OR LAYOFFS
- CORRECTIONS
- ENERGY & ENVIRONMENT
- EQUAL RIGHTS FOR WOMEN
- FAITH vs. TIME - Release time for religious education
- FUNDING FOR CONCILIATION COURTS
- GAMBLING
- HEALTH CARE FOR SENIOR CITIZENS
- HEALTH CARE SYSTEM REFORM
- HOME HEALTH CARE
- HUMAN RIGHTS COMMISSION
- HUMAN WELFARE AND FINANCIAL SUPPORT
- MRLC - HISTORY, PROCESS & RATIONALE
- PORNOGRAPHY
- PRE-MARITAL COUNSELING FOR MINORS
- PUBLIC FUNDING OF THE ARTS
- STRENGTHENING FAMILIES
- TAX EXEMPTION
- TAX REFORM
- TRAFFIC SAFETY
- VICTIMS OF CRIME

MEMBER UNITS OF THE MONTANA ASSOCIATION
OF CHURCHES

- American Baptist Churches of the Northwest
- Christian Church (Disciples of Christ) of Montana
- Episcopal Church, Diocese of Montana
- Evangelical Lutheran Church in America - (Montana Synod)
- Presbyterian Church (USA) -
 - Glacier Presbytery
 - Yellowstone Presbytery
- Roman Catholic Church -
 - Diocese of Great Falls / Billings
 - Diocese of Helena
- United Church of Christ -
 - Montana-Northern Wyoming Conference
 - United Methodist Church -
 - Yellowstone Conference

Montana has a poverty level of 16.1% and 24.3% of all Montana children below age 5 live below poverty (13,980 of the 57,600 kids under the age of 5 live in poverty). (1990 Census)

19.9 percent of Montana's children live below the poverty line (43,237 of 216,898 children live in families with inadequate money for food). (1992 Montana Hunger Study)

In Montana the number of children in foster care rose from 2,302 in 1984 to 3,125 in 1990. (Charles Horejsi, Professor of Social Work, University of Montana)

Children account for 15 percent of all homeless people and are the fastest growing segment of the homeless population. (Select Committee on Hunger).

The U.S. stands 22nd among developed countries in infant mortality, with 40,000 dying before their first birthday. (Bread for the World).

Pregnant women on Medicaid and receiving WIC benefits are 2-3 times more likely to receive adequate prenatal care than those on just Medicaid. (Klerman, 1991).

Children in programs such as Head Start are twice as likely to graduate from high school and be employed than those in similar circumstances who do not participate. (Children's Defense Fund).

State programs like Healthy Start in Hawaii and Homebuilders in Washington have demonstrated that remarkable decreases in incidence of child abuse are within our reach. (Lisbeth Schorr, Within Our Reach, Doubleday, 1988).

MONTANA RELIGIOUS LEGISLATIVE
COALITION

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 5

DATE 2/4/93

BILL NO. SB 223

CHILDREN



IN SOCIETY

Position Paper

Adopted at the Annual Assembly
Montana Association of Churches

CHILDREN IN SOCIETY

Position Statement

The Montana Association of Churches calls upon the State Legislature and all the people of Montana to recognize the rights of children.

All children are entitled to the rights set forth in this position paper, without distinction or discrimination on account of race, color, sex, disability, language, religion, creed, political or other opinion, national or social origin, property, birth or other status, whether of the children or their families.

Children should enjoy special protection and be given opportunities and facilities, by law and other means, to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and with freedom and dignity. In the enactment of laws for this purpose, the best interest of each child must be of paramount consideration.

Children are entitled to healthy growth and development. To this end special care and protection should be provided both to the children and to their parents, including adequate prenatal and postnatal care and immunizations. Children have the right to adequate nutrition, housing, recreation and health care.

Children are entitled to receive a quality education, which is free and compulsory, at least through high school. They should be given an education which will promote their culture, and enable them, on a basis of equal opportunity, to develop individual abilities, judgment and a sense of moral and social responsibility. The best interest of the child shall be the guiding principle of those responsible for the child's education and guidance. We recognize that ideally parents are the primary teachers of their offspring.

Children with physical, mental or social disabilities should be given the special treatment, education and care required by their condition. They need to have the opportunity to develop to their full potential.

For the full and harmonious development of personality, children need love and understanding. Whenever possible and appropriate, they also need to grow up in the care and under the responsibility of their parents. No matter what the circumstance, they need to live in an atmosphere of affection and of moral and material security. The State of Montana has the duty to extend particular care to children without a family, to those without adequate means of support, and to those who, for whatever reason, can not or should not live with their own family.

We support legislation to ensure the availability of safe, affordable and wholesome child care.

Children must be protected against all forms of neglect, cruelty and exploitation. We support legislation to protect children from parental abuse and abuse from others who are responsible for their care, including, but not limited to, teachers and other school staff and day care providers.

We support legislation that disallows the employment of children until an appropriate minimum age. Children should in no case be enticed, encouraged, forced or permitted to engage in any occupation or employment which would compromise their health or education, or interfere with their physical, social, mental, spiritual or moral development.

Supporting Statement

Children, by reason of their physical and mental immaturity, need special safeguards and care, including appropriate legal protection. Montana owes to its children the best it has to give.

All children merit care and protection, simply because each child has value.

Our children are our future - they will be the leaders, the parents, the citizens of tomorrow. In responding to their needs today, we shape a better future for all.

Our children are our present - our children bring us special gifts, today not just tomorrow. They are the sign of God's continual gift to the world. Thus, we need to respect them and place their rights as a priority in our society.

It is well known that a person's childhood experiences have a powerful impact on that person's adult life and the way he or she may be an effective parent. Parents need support and help in meeting the challenges of raising children in the face of the cultural, economic and moral pressures of our day. No institution can substitute for the committed love, daily sacrifice and hard work of parents in caring for their own children. But every institution should support parents in their essential tasks. Our society must be an ally and advocate for parents as they struggle to meet their children's needs at home and in an often hostile world where powerful economic and social forces can overwhelm the love and care of a family.

Christians believe that the treatment of children is a measure of their faith. That is why we need - each of us - to use our values, voices, and votes to hold our public officials accountable and to shape a society that honors the conventional responsibilities each generation has to its children.

Other Compelling facts

Ninety per cent of the households in Montana with a hunger problem have children. Single parent families in Montana are particularly at risk. (Hunger in Montana, October 1990).

The child poverty crisis is getting worse, rather than getting better. In 1990, 840,000 children were added to the ranks of the poor. (Children's Defense Fund).

NAME Wendy Birmingham

ADDRESS 120 Humbolt Loop

HOME PHONE 442-0450 WORK PHONE 442-2530

REPRESENTING Self (teenagers)

APPEARING ON WHICH PROPOSAL? 223

DO YOU: SUPPORT OPPOSE AMEND

COMMENTS:

Teen going to school that works on school
nights. Would like to work during school but
not at late hours.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Montana Family



110 West 13th Street
P.O. Box 1176
Helena, Montana 59624
406-442-1727

Don Judge
President

Pam Egan
Executive Director

The Associate Membership Program of the Montana State AFL-CIO

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 77

DATE 2/4/93

BILL NO. SB 223

TESTIMONY OF MONTANA FAMILY UNION ON SB 223
BEFORE THE SENATE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS,
FEBRUARY 4, 1993

Mr. Chairman, members of the committee, for the record, I am Pam Egan, Executive Director of the Montana Family Union. I am here today in support of Senate Bill 223.

Montana children work for a variety of reasons; some because their parents want them to learn responsibility and the value of hard work, some to earn extra spending money, some to help pay for college. These can be noble goals.

Unfortunately, bad economic policy has made it necessary for some children to have to work to help their families put food on the table. But it's the government's responsibility to fix the economic problems, not let child workers pay the price.

We must remember that a child who is exploited in the workplace learns neither responsibility, nor the value of hard work.

What that child does learn is that employers have no responsibility to their workers. An exploited child learns that hard work is not rewarded with dignity, respect or fairness. They learn that their education is worth less than their paycheck. They learn that workers, and children, are expendable -- to dangerous equipment, to hazardous chemicals, to excessive hours -- but that profits are not.

The Montana Family Union believes that all young people have a right to a decent childhood. Excessive hours and hazardous conditions undermine that right.

We believe that all children deserve to have an education -- one that will prepare them to enter the adult work force when the time comes. We believe it is unconscionable for children to be exploited by unscrupulous employers for the sake of profits.

Current Montana law does very little to protect children from many hazardous occupations and does nothing to protect them from excessive hours.

This bill begins to correct those problems. While we wish it were even stronger, it is an important step in the right direction.

The Montana Family Union respectfully urges a favorable recommendation on Senate Bill 223.

Bribery in official and political matters, 45-7-101.

Gifts to public servants by person subject to their jurisdiction, 45-7-104.

Employee disclosure of information which would identify patient, 50-5-106.

Removal of Public Service Commission member, 69-1-113.

Official misconduct of official grain inspector, sampler, or weigher, 80-4-703.

Violations by Commissioner of irrigation district, 85-7-1507.

Part 5

Employer Misconduct

45-7-501. Employer misconduct. (1) A person who is an employer, as defined in 39-71-117, commits the offense of employer misconduct if he knowingly or purposely:

(a) avoids his responsibility to provide coverage for his employees as required by 39-71-401;

(b) misrepresents or falsifies employment records or information, including but not limited to understating the amount of payroll or the number of his employees; or

(c) refuses to pay premiums that he is obligated to pay under compensation plan No. 2, as provided in Title 39, chapter 71, part 22, or compensation plan No. 3, as provided in Title 39, chapter 71, part 23.

(2) A person convicted of the offense of employer misconduct shall be fined an amount not to exceed \$50,000 or imprisoned in the state prison for any term not to exceed 10 years, or both.

History: En. Sec. 2, Ch. 586, L. 1987.

CHAPTER 8

OFFENSES AGAINST PUBLIC ORDER

Part 1 — Conduct Disruptive of Public Order

45-8-101. Disorderly conduct.

45-8-102. Failure of disorderly persons to disperse.

45-8-103. Riot.

45-8-104. Incitement to riot.

45-8-105. Criminal syndicalism.

45-8-106. Bringing armed men into the state.

45-8-107. Purpose.

45-8-108. Definitions.

45-8-109. Prohibited activities — penalties — exceptions.

45-8-110 reserved.

45-8-111. Public nuisance.

45-8-112. Action to abate a public nuisance.

SUMMARY OF PROPOSED CHILD LABOR BILL
STATE OF MONTANA

BACKGROUND: Most states have comprehensive Child Labor legislation regulating the hours minors may work and the hazardous occupations in which they may not work. Montana has not had comprehensive regulation of child labor. Recent research and publicity have pointed to the increased need for legislation, regulation and enforcement of child labor standards. The proposed legislation has received support from various religious, education, and labor organizations as well as from child advocates.

HAZARDOUS OCCUPATIONS are defined in the bill so that all minors under eighteen who have not received a high school diploma or passing score on the General Development exam, or registered in a state or federal apprenticeship program may not be employed in extremely hazardous occupations such as mining, hazardous manufacturing, and working involving hazardous chemicals, radioactive substances, or operating dangerous equipment.

Minors fourteen or fifteen of age are additionally prohibited from being employed in occupations that are slightly less hazardous, but posing sufficient danger to threaten the life or health of individuals at that age.

Minors fourteen years of age and under are prohibited from employment

EXCEPT

that all minors may be employed:

1. By their parents or guardians.
2. In agriculture or farming with written consent of the their parents or guardians or on a farm or in a home owned by their parents or guardians or on a farm where the parent or guardian is also employed.
3. In the delivery or collection of newspapers, periodicals or circulars.
4. In casual, community, non-revenue raising, uncompensated activity, (such as religious and charitable volunteer work).
5. As an actor, model or performer.
6. As a legislative aide.
7. In casual domestic work at a person's home.

Additional exceptions are provided for student-learners and apprenticeship programs.

WORKING HOURS FOR MINORS

Except in the above-mentioned occupations in which all minors may be employed,

Minors 14 or 15 years of age

1. May not be employed before 7 a.m. or after 7 p.m., except during the summer holiday.
2. May not be employed more than:
 - a) 3 hours on any school day;
 - b) 18 hours in any week when school is in session;
 - c) 8 hours in any day when school is not in session;
 - d) 40 hours in any week when school is not in session; or
 - e) 6 days a week.

Certain exceptions are provided for including the delivery of newspapers, and so on.

OTHER PROVISIONS include means of enforcement, power of the Department of Labor to adopt rules and definitions, and various penalties.

Amendments to S.B. 164

1. Page 9

Following: line 24

Insert: "NEW SECTION. Section 9. Effective date. [This act] is effective July 1, 1993.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 8

DATE 2/4/93

BILL NO. SB 164

Amendments to Senate Bill No. 163
First Reading Copy

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 19

Requested by Representative Cocchiarella
For the Senate Labor Committee

DATE 2/4/93

BILL NO. SB 163

Prepared by Eddy McClure
January 27, 1993

1. Page 2, line 12.

Following: "provide"

Insert: "and maintain a safe place of employment and to provide"

2. Page 9, line 6.

Following: "program"

Insert: "-- expenditure accounting"

3. Page 9, line 25.

Following: line 24

Insert: "(3) The state fund shall separately account for money
expended under [sections 1 through 11 and 39-71-2311]."

Amendments to Senate Bill No. 163
First Reading Copy

Requested by Senator Harp

For the Senate Labor Committee

Prepared by Eddy McClure
February 2, 1993

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 911

DATE 2/4/93

BILL NO. SB 163

1. Page 4, line 4.
Following: "activities."
Insert: "(1)"

2. Page 4, line 6.
Strike: "(1)"
Insert: "(a)"

3. Page 4, line 9.
Strike: "(2)"
Insert: "(b)"

4. Page 4, line 14.
Strike: "(a)"
Insert: "(i)"

5. Page 4, line 16.
Strike: "(b)"
Insert: "(ii)"

6. Page 4, line 18.
Strike: "(c)"
Insert: "(iii)"

7. Page 4, line 21.
Following: line 20

Insert: "(2) An employer who employs temporary workers shall include those workers in the employer's safety program. A temporary services contractor shall provide a safety program for employees not employed by other employers."

DATE 2/4/93

SENATE COMMITTEE ON Labor

BILLS BEING HEARD TODAY: SB 223, Child Labor LAW

PLEASE PRINT

Name	Representing	Bill No.	Check One	
			Support	Oppose
SHARON HOFF	MT CATHOLIC CONFER.	223	✓	
F. Jerry Lowrey	Catholic Priests Council Harris Diocese - Grand Valley	223	✓	
Tim McCauley	Self	223	✓	
Wendy Birmingham	Self (Teenagers)	223	✓	
Jessica Batson	self (Teenagers)	223	✓	
Nancy Coppenrich	OPI	223	✓	
Kdrvell Holzer	MT. ST. AFL-CIO	223	✓	
Fran Marceau	UTU	223	✓	
CHUCK HUNTER	DOLI	223	✓	
Terry Minnow	MT ED Teachers	223	✓	
John M. [unclear]	M.F.T.	223	✓	
Pam Egan	Mt. Family Union/AFL-CIO	223	✓	
Chuck Wack	MT Newspaper Ass	223	✓	
Duord Owen	mt chamber of commerce	223	✓	
John Mazer	AFSCME	223	✓	
HARLEY WARNER	ASSOC. OF CHURCHES	223	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

