

5558

Sponsor(s): Senators Sellar, Owen, Matson and Wojahn

Brief Description: Providing for the adoption and enforcement of child labor regulations.

SB 5558 - DIGEST

(DIGEST AS ENACTED)

Implements a comprehensive program to inform employers of the rules adopted.

Authorizes the issuance of citations for specified violations and provides for civil penalties.

Provides an appeal process.

Authorizes criminal penalties for knowing or reckless violations.

VETO MESSAGE ON SB 5558

May 20, 1991

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 5558, entitled:

"AN ACT Relating to child labor regulation."

This bill would authorize the Department of Labor and Industries to issue civil penalties for violations of the state's child labor laws. I strongly support this authority.

Section 1 of this bill would require the Department of Labor and Industries to replace existing rules governing the employment of minors with rules which are consistent with federal law. Section 1 also requires the Department of Labor and Industries to revise child labor rules in the future as necessary to remain consistent with federal law. These requirements would be an unacceptable abdication of the State's responsibility and duty to its children.

Section 1 may be an unconstitutional delegation of legislative authority. Even if section 1 were upheld, provisions of state child labor law which were inconsistent with federal law might be legally unenforceable, leaving the state with no law under which to enforce some areas of child labor.

Beyond the problems of authority and process, I also object to the policy implications of section 1. Under current federal law, section 1 might effectively repeal important state policies, such as regulation of the hours of employment for sixteen- and seventeen-year-old children. The state might also be required to repeal its regulation of meal and rest breaks for children. Further, section 1 might place in jeopardy the state's newly enacted regulations of agricultural employment of children.

The remainder of the bill establishes new tools to protect our children from working conditions and hours of employment which are detrimental to their health, safety and education. It is crucial

that the state be able to regulate hours of employment for children to ensure that education, not employment, is the first priority for Washington's children.

For the reasons stated, I have vetoed section 1 of Senate Bill No. 5558.

With the exception of section 1, Senate Bill No. 5558 is approved.

Respectfully submitted,
Booth Gardner
Governor