

Written Testimony of Melissa Patack
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for the Motion Picture Association of America
Submitted to
The House Labor Relations Committee
May 20, 2008

Chairman Belfanti, Chairman DiGirolamo and Members of the Pennsylvania House Labor Relations Committee:

On behalf of the Motion Picture Association of America (MPAA) and our member companies, I want to thank you for the opportunity to share these written comments on House Bill 2369, Printer's No. 3435. The MPAA and our members strongly support your efforts to protect minors in employment, and we want to work with you to advance this important goal.

Since 1922, the MPAA has served as the voice of the American motion picture, home video and television industries. In this role, we advocate for strong protection of the creative works produced and distributed by the industry, fight copyright theft and provide leadership in meeting new and emerging industry challenges. Our members include: Buena Vista Pictures Distribution (an affiliate of The Walt Disney Company), Metro-Goldwyn-Mayer Studios Inc., Universal City Studios LLLP, Paramount Pictures Corporation, Sony Pictures Entertainment, Inc., Twentieth Century Fox Film Corporation, and Warner Bros. Entertainment Inc.

Most importantly, we appreciate that HB 2369 recognizes the unique nature of motion picture and television production by providing for a separate section to address the employment of minors in such productions. However, we are concerned that the current provisions of the bill may have some unintended consequences. As such, we would respectfully request that the Committee consider the following points.

First, at Section 8 (b) (2) (i); (3); and (4) (iii) (A) & (B), the legislation requires specific information about the production to be provided at the time a minor seeks to obtain an entertainment permit. It is often the case in motion picture and television production that a minor seeks a permit before he or she actually has a specific employment opportunity. For example, a minor may want to be eligible for work when he or she tries out or auditions for a role in a movie or TV program. In applying for a permit, the minor would not have specific employment information. If a minor does not possess a permit and has to wait to apply for one, the production schedule may not allow for time to seek a permit. Thus, the child may miss out on what could be a once-in-a-lifetime employment opportunity.

We would like to work with the Committee to address this concern and suggest that once a minor has an employment opportunity, the information about the employment

opportunity could then be provided to the Department of Labor and Industry within a reasonable time.

We would be please to work with Committee staff on the specific language needed to address this issue. Doing so will enable a minor to be ready for employment the very moment an audition or casting call takes place, assure parents or legal guardians that their minor will be fully protected under the law and enable the Department to receive all the information it needs once the minor has secured a job.

In addition, Section 10 (c) requires an employer to post requirements of the child performer law. Almost all motion picture and television production in the Commonwealth is mobile, and most often it occurs “on location” not at fixed sites such as studios, theatres, etc. It would be very difficult for a production company to physically post the requirements as specified in this section. We would request that you consider an alternative approach when it comes to this kind of employment. One possibility would be to require motion picture and television companies working on location in Pennsylvania to simply have such information readily available somewhere at the filming location – i.e. with the director or other company personnel always on site.

Finally, we believe that, as drafted, HB 2369 could be misinterpreted to apply to minors who are the subjects of news programs. While we expect it is not the intent of the legislation to require a member of the championship Little League team to obtain a permit before being interviewed by the local news reporters, there is no specific exemption as is the case for certain “nonprofit, educational, theatrical productions.” Therefore, we are asking the Committee to amend Section 8 to include exemption language, such as “No permit is required under this section for any minor who is participating in or the subject of a news program or news interview.”

In closing, the MPAA applauds the efforts of the Committee to revamp the Commonwealth’s child labor law. Protecting the health and well-being of minors on the job site is critically important.

Thank you again for the opportunity to comment on House Bill 2369. We look forward to working with you to ensure that minors are adequately protected in their employment.