



**MOTION PICTURE ASSOCIATION  
OF AMERICA, INC.  
1600 EYE STREET, NORTHWEST  
WASHINGTON, D.C. 20006**

**Testimony of Cybele Daley  
Vice President, Federal & State Government Affairs  
Motion Picture Association of America, Inc.  
Before  
Pennsylvania House Labor Relations Committee  
September 23, 2010**

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

**My name is Cybele Daley, and I am Vice President of Federal and State Government Affairs for the Motion Picture Association of America (MPAA). Thank you for the opportunity to appear before you today to discuss House Bills 19 and 2515 and our shared interest in protecting child performers in the Commonwealth.**

**The MPAA is the primary voice and advocate for the American motion picture, home video and television industries in the U.S. and around the world. MPAA's members are the leading producers and distributors of filmed entertainment: The Walt Disney Studios, Paramount Pictures Corporation, Sony Pictures Entertainment Inc.; Twentieth Century Fox Film Corporation; Universal City Studios LLLP; and Warner Bros. Entertainment Inc.**

**Before I address the pending legislation, I would like to take a moment to give you some general background about motion picture and television production, and more specifically, its impact on the Pennsylvania economy.**

**Motion picture and television production is a major private sector industry in the United States, directly employing over 296,000 people across the United States. These are high quality jobs – both in front of the camera and behind the camera -- with an average salary of nearly \$76,000, 72% higher than the average salary nationwide. In Pennsylvania, there are more than 4,790 direct production-related jobs, paying more than \$250 million in wages, and supporting many more jobs indirectly. In addition, there are more than 1,400 small and medium sized companies in Pennsylvania that sell their goods and services to motion picture production companies. In 2008, motion picture production companies spent more than \$550 million with those local businesses, including a truck and crane rental company in southeastern PA and an adventure company in Spring Mountain.**

As the Pennsylvania experience so clearly demonstrates, motion picture production is no longer exclusive to Hollywood and New York; today it is a competitive and mobile business. In fact, states are competing to attract film production because they recognize the tremendous value in the new jobs and economic activity created by the industry. Now, perhaps more than any other time, production companies have many choices as to where to locate their productions.

Again, let me state that MPAA and our member companies are fully committed to the safety of child performers. And, we will work with you to ensure that Pennsylvania's new statute achieves this paramount goal. At the same time, however, we think it is important that the revisions you make consider the needs of all types of motion picture productions -- feature films, scripted television programs and unscripted programs such as reality and documentary programs. In our view, keeping the overarching aim of protecting children in context with accepted industry practices will help make Pennsylvania a standard bearer in child protection law as well as a top location choice for production companies.

With this in mind, I would like to highlight a few key points regarding HBs 19 and 2515:

#### Obtaining A Permit

In both bills, a child performer may only obtain a permit if he or she has a job, and they provide detailed and specific information about the production to the Department. This requirement prevents a minor who would like to enter the motion picture business from securing a permit in advance of any job offer. In addition, this requirement will delay production, if a child performer is not ready and available for work, especially if the work is only for a single day. We recommend that the permit requirement be self-executing—that the Department be authorized to issue a six month permit upon presentment of academic information (a document indicating the minor is in good academic standing), a birth certificate to verify age, and parental permission. In other words, a minor should be able to audition with permit in hand.

#### Protection of the Minor's Earnings

Several states, including California, New York and Louisiana have adopted laws to require the safeguarding of the earnings of child performers. Under these laws, the parent or guardian is required to establish the account and the employer is required to set aside and forward to the account a portion, generally 15%, of the child's earnings. In HB19, the employer is required to establish the account and in HB 2515, it is unclear who is responsible for establishing the account. We recommend Pennsylvania follow the lead of other states in this area and require the parent/guardian to establish the trust account and then require the employer to set aside a specific amount of the earnings to send to the trust. This will eliminate any potential confusion and avoid the establishment of multiple accounts by different production companies.

#### Minor's Education

We recognize and support the provision of education to a child performer who cannot attend his or her regular school while working in film production. We have discussed this important issue with the Screen Actors Guild (SAG) and the American Federation of Television and Radio Artists over the last several years and we jointly support requirements which will ensure that child performers receive required education. We also want to ensure that teachers who educate child performers are not overburdened with responsibilities for which they are not

trained. Finally, we think it is important that Pennsylvania consider allowing studio teachers who are authorized in other states to continue to work with performers on productions located in the Commonwealth. In the coming weeks, we look forward to working in more detail with the sponsors of the bills and the Committee on the specific provisions of each bill.

### Hours of Work

We understand and agree with the need to ensure that child performers do not work an unreasonable number of hours and that the hours they are allowed to work should be related to their age and the school calendar. As both bills move forward in the legislative process, we would ask that you consider the Screen Actors Guild contract which delineates well the number of hours a child performer is allowed to work. It is a good frame of reference, and it sets forth requirements that many productions already follow.

In the interest of time, we are limiting this testimony to the broad issues outlined above. However, we look forward to working with the prime sponsors and the Committee on additional provisions contained in both bills.

In closing, the MPAA applauds the Committee for its effort to ensure a safe working environment for minors who have the opportunity to perform in the entertainment industry, and we stand ready to help you achieve this goal. Whether it be a traditional film or an unscripted documentary, the MPAA strongly believes that no child performer should be at risk during production.

Thank you again for the opportunity to be here today. I would be pleased to answer any questions you may have.