

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:2-21.17b and 34:2-21.17c

(Recycling centers-- permit minors to work as volunteers)

LAWS OF: 1987

CHAPTER: 249

Bill No: A2728

Sponsor(s): Martin

Date Introduced: June 9, 1986

Committee: Assembly: Labor

Senate: Labor, Industry and Professions

Amended during passage: Yes

Amendments during passage denoted by asterisks.

Date of Passage: Assembly: June 26, 1987

Senate: June 29, 1987

Date of Approval: August 25, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 2728

STATE OF NEW JERSEY

INTRODUCED JUNE 9, 1986

By Assemblyman MARTIN

A SUPPLEMENT to "An act to limit and regulate child labor in this State; to provide for examinations and inspections under the provisions of this act; to provide for the enforcement of this act and regulations made thereunder; to prescribe penalties for the violation thereof; and to repeal other acts," approved June 25, 1940 (P. L. 1940, c. 153; C. 34:2-21.1 et seq.).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

- 1 1. Concurrent with all other provisions of P. L. 1940, c. 153
2 (C. 34:2-21.1 et seq.)*,* minors who are 12 through 17 years of age
3 shall be permitted to work **as volunteers** at community operated
4 noncommercial recycling centers **operated by a municipality or a*
4A *community service organization authorized by a municipality to*
4B *operate a recycling center** subject to the following provisions:
5 a. That these recycling centers handle only those waste products
6 normally included in the municipal waste stream such as news-
7 papers and glass and metal beverage containers;
8 b. That under no circumstances shall a minor be permitted to
9 work in a community recycling center that is in any way associated
10 with a profit making commercial enterprise other than to sell the
11 recyclable product referred to in subsection a.;
12 c. That no minor ***[under 16 years of age]*** shall operate, per-
13 form maintenance, clean, inspect or work in, about, or in connection
14 with any power driven machinery involved in the recycling process;
15 ***[and]***

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted June 12, 1986.**

16 d. That no minor shall work in a community recycling center
 17 without the safety equipment required by law***[.]*** *;*

18 *e. That no minor shall be permitted to work as a volunteer at a
 19 recycling center except under the direct supervision of an adult;

20 f. That no minor shall handle or be exposed to hazardous waste
 21 products or other hazardous substances; and

22 g. That the municipality which operates the center or authorizes
 23 the operation of the center by a community service organization has
 24 secured adequate liability insurance to provide compensation for
 25 all injuries sustained by minors working voluntarily at the center.*

26 For the purposes of this section, "community operated non-
 27 commercial recycling center" means any recycling center that is
 28 sponsored by a municipality and is engaged in the recycling activity
 29 as a community service.

1 *2. A minor working voluntarily at a recycling center shall not
 2 be deemed an employee under R. S. 34:15-36. A municipality or
 3 community service organization which uses the services of a minor
 4 under this act shall not be subject to R. S. 34:15-10, provided that
 5 the municipality or organization has fully complied with P. L. 1940,
 6 c. 153 (C. 34:2-21.1 et seq.) and the provisions of this act.*

1 ***[2.]*** *3.* This act shall take effect immediately.

LABOR RELATIONS AND EMPLOYMENT

Permits minors to do certain work as volunteers in community recycling centers.

ASSEMBLY, No. 2728
STATE OF NEW JERSEY

INTRODUCED JUNE 9, 1986

By Assemblyman MARTIN

A SUPPLEMENT to "An act to limit and regulate child labor in this State; to provide for examinations and inspections under the provisions of this act; to provide for the enforcement of this act and regulations made thereunder; to prescribe penalties for the violation thereof; and to repeal other acts," approved June 25, 1940 (P. L. 1940, c. 153; C. 34:2-21.1 et seq.).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Concurrent with all other provisions of P. L. 1940, c. 153
2 (C. 34:2-21.1 et seq.) minors who are 12 through 17 years of age
3 shall be permitted to work at community operated noncommercial
4 recycling centers subject to the following provisions:

5 a. That these recycling centers handle only those waste products
6 normally included in the municipal waste stream such as news-
7 papers and glass and metal beverage containers;

8 b. That under no circumstances shall a minor be permitted to
9 work in a community recycling center that is in any way associated
10 with a profit making commercial enterprise other than to sell the
11 recyclable product referred to in subsection a.;

12 c. That no minor under 16 years of age shall operate, perform
13 maintenance, clean, inspect or work in, about, or in connection with
14 any power driven machinery involved in the recycling process; and

15 d. That no minor shall work in a community recycling center
16 without the safety equipment required by law.

17 For the purposes of this section, "community operated non-
18 commercial recycling center" means any recycling center that is
19 sponsored by a municipality and is engaged in the recycling activity
20 as a community service.

1 2. This act shall take effect immediately.

STATEMENT

This bill would permit minors who are 12 through 17 years of age to work at community operated non-commercial recycling centers provided that:

- a. These centers handle only solid wastes, such as paper, bottles and cans;
- b. The centers are not in any way associated with a profit making commercial enterprise, other than to sell the recyclable product;
- c. No minor, under 16 years of age, shall operate, maintain, clean, inspect or work in, about or in connection with any power driven machinery involved in the recycling process; and
- d. No minor can work in these centers without safety equipment required by law.

Community operated non-commercial recycling centers are defined as any recycling center that is sponsored by a municipality and is engaged in the recycling activity as a community service.

LABOR RELATIONS AND EMPLOYMENT

Permits minors to do certain work as volunteers in community recycling centers.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2728

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 1986

The Assembly Labor Committee reports favorably, with amendments, Assembly No. 2728.

This bill would revise the State's child labor laws to permit minors over 12 years of age to work as volunteers at recycling centers operated by municipalities or community service groups on a noncommercial basis. The bill applies only to centers which are run on a nonprofit basis by municipalities or by authorized community-service organizations and which primarily handle recyclable paper, bottles, and cans. It requires adult supervision of the volunteers and stipulates that minors working voluntarily at these centers must use the appropriate safety equipment mandated by law. It also prohibits minors from: (1) operating or servicing any power-driven machinery while working at the center; and (2) handling or being exposed to hazardous substances. Finally, it requires the minor and the operator of the center to comply with all other provisions of the child labor laws and to provide adequate insurance for the volunteers under general tort liability standards.

The bill, as introduced, permitted minors, ages 12 through 17, to work at community operated, non-commercial recycling centers although minors less than 16 years of age were prohibited from working in, about, or with power-driven machinery. All minors at the center were required to use the safety equipment mandated by law.

The committee amended the bill to provide greater safeguards for the minors working at recycling centers and to clarify the kind of work permitted under the bill.

These amendments would:

- (a) add the term "voluntary" to several provisions of the bill to ensure that youth services at a recycling center will not be "for-pay" employment;
- (b) prohibit any minor from using power-driven machinery at a recycling center;
- (c) require direct adult supervision over the minors working at the center;

- (d) require the municipality to have adequate liability insurance to cover injuries sustained by a minor working voluntarily at recycling centers run by the municipality or by a community service organization under authorization by the municipality;
 - (e) make it unlawful for a minor to handle or be exposed to hazardous waste materials or other hazardous substances while working voluntarily at a recycling center; and
 - (f) specify that all claims made against a municipality by a minor who was injured while working voluntarily at a recycling center are subject to resolution under tort principles rather than workers' compensation law.
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SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2728

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STATE OF NEW JERSEY

DATED: MAY 21, 1987

This bill revises the State's child labor laws to permit minors who are 12 years of age or older to work as volunteers at recycling centers operated by municipalities or community service groups on a noncommercial basis. The bill applies only to centers which are run on a non-profit basis by municipalities or by authorized community service organizations and which handle only those waste products normally included in the municipal waste stream such as newspapers, bottles and cans. It requires adult supervision of the volunteers and stipulates that minors working voluntarily at these centers must use the appropriate safety equipment mandated by law. It also prohibits minors from : (a) operating or servicing any power-driven machinery while working at the center; and (b) handling or being exposed to hazardous substances. Finally, it requires the operator of the center to comply with all other provisions of the child labor laws and to provide adequate insurance for the volunteers under general tort liability standards. The provision requiring this insurance is necessary because the bill specifically excludes these volunteers from the provisions of the workers' compensation law.