

34:2-21.19

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 167

NJSA: 34:2-21.19 (Establishes Child Labor Law Enforcement Fund)

BILL NO: S1998 (Substituted for A366)

SPONSOR(S): Inverso and others

DATE INTRODUCED: November 8, 2004

COMMITTEE: **ASSEMBLY:**
SENATE: Labor

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 23, 2005
SENATE: February 14, 2005

DATE OF APPROVAL: August 5, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)

S1998

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A366

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

IS 8/29/07

P.L. 2005, CHAPTER 167, *approved August 5, 2005*
Senate, No. 1998 (*First Reprint*)

1 AN ACT concerning child labor and amending P.L.1940, c.153.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. Section 19 of P.L.1940, c.153 (C.34:2-21.19) is amended to
7 read as follows:

8 19. a. Whoever employs or permits or suffers any minor to be
9 employed or to work in violation of this act, or of any order or ruling
10 issued under the provisions of this act, or obstructs the Department of
11 Labor and Workforce Development, its officers or agents, or any other
12 person authorized to inspect places of employment under this act, and
13 whoever, having under his control or custody any minor, permits or
14 suffers him to be employed or to work in violation of this act, shall be
15 guilty of an offense. If a defendant acts knowingly, an offense under
16 this section shall be a crime of the fourth degree. Otherwise it shall be
17 a disorderly persons offense and the defendant shall, upon conviction
18 for a violation, be punished by a fine of not less than **[\$100]**
19 ¹~~[\$1,000]~~ ¹\$100¹ nor more than **[\$1,000]** ¹~~\$2,000~~ ¹\$200¹ for an initial
20 violation and not less than ¹~~[\$2,000]~~ ¹\$200¹ nor more than \$4,000 for
21 each subsequent violation. Each day during which any violation of this
22 act continues shall constitute a separate and distinct offense, and the
23 employment of any minor in violation of the act shall with respect to
24 each minor so employed, constitute a separate and distinct offense.

25 b. As an alternative to or in addition to any other sanctions
26 provided by law for violations of P.L.1940, c.153 (C.34:2-21.1 et
27 seq.), when the Commissioner of Labor and Workforce Development
28 finds that an individual has violated that act, the commissioner is
29 authorized to assess and collect administrative penalties **[**, up to a
30 maximum] of ¹~~[not less than \$250 and]~~ ¹not more than \$500 for a
31 first violation ¹~~[and]~~ ¹, [up to a maximum of] ¹~~[not less than \$500~~
32 ~~and]~~ ¹not more than \$1,000 for ¹a second violation, and not more than
33 ¹~~\$2,500 for~~ ¹each subsequent violation, specified in a schedule of
34 penalties to be promulgated as a rule or regulation by the
35 commissioner in accordance with the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.). When determining the amount
37 of the penalty imposed because of a violation, the commissioner shall
38 consider factors which include the history of previous violations by the
39 employer, the seriousness of the violation, the good faith of the
40 employer, and the size of the employer's business. No administrative
41 penalty shall be levied pursuant to this section unless the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLA committee amendments adopted February 3, 2005.

1 Commissioner of Labor and Workforce Development provides the
2 alleged violator with notification of the violation and of the amount of
3 the penalty by certified mail and an opportunity to request a hearing
4 before the commissioner or his designee within 15 days following the
5 receipt of the notice. If a hearing is requested, the commissioner shall
6 issue a final order upon such hearing and a finding that a violation has
7 occurred. If no hearing is requested, the notice shall become a final
8 order upon expiration of the 15-day period. Payment of the penalty is
9 due when a final order is issued or when the notice becomes a final
10 order. Any penalty imposed pursuant to this section may be recovered
11 with costs in a summary proceeding commenced by the commissioner
12 pursuant to ["the penalty enforcement law" (N.J.S.2A:58-1 et seq.)]
13 the "Penalty Enforcement Law of 1999" P.L.1999, c. 274 (C.2A:58-10
14 et seq.). Any sum collected as a fine or penalty pursuant to this
15 section shall be [applied toward enforcement and administration costs
16 of the Division of Workplace Standards in the Department of Labor]
17 deposited in the Child Labor Law Enforcement Trust Fund established
18 pursuant to subsection c. of this section.

19 c. There is established in the Department of Labor and Workforce
20 Development the Child Labor Law Enforcement Trust Fund. All
21 moneys in the fund shall be applied by the department toward the
22 enforcement of the provisions of P.L.1940, c.153 (C.34:2-21.1 et seq.)
23 ¹and to disseminate information and publicity regarding those
24 provisions to employers, employer organizations, employees, unions,
25 and teachers, counselors, social workers and other professionals
26 engaged in work involving the welfare of children.

27 d. There is established a Child Labor Law Enforcement Advisory
28 Board to advise the Commissioner of Labor and Workforce
29 Development, and issue an annual report, regarding the use of moneys
30 from the Child Labor Law Enforcement Trust Fund and other issues
31 the board deems appropriate concerning child labor, including the
32 impact of excessive or hazardous work on the educational success,
33 health and general well-being of children. The board shall consist of
34 the commissioner or his designee, who shall serve as the chair, and
35 seven members appointed by the commissioner as follows: two
36 members representing organizations of employers in industries with
37 significant numbers of employees who are minors, two members
38 representing labor unions in industries with significant numbers of
39 employees who are minors, one member representing an organization
40 of school administrators, one member representing an organization of
41 school employees, and one member who is an individual with expertise
42 on the impact of excessive or hazardous work on the educational
43 success, health, and general well-being of children. Members
44 appointed by the commissioner shall be appointed for two-year terms
45 and may be appointed for any number of terms. Members shall serve
46 without compensation, but shall be reimbursed for necessary expenses
47 incurred in the performance of their duties. Action may be taken by
48 the board by an affirmative vote of a majority of its members. The

1 first annual report shall be issued not later than 12 months after the
2 effective date of this act. Each annual report may include
3 recommendations to enhance the enforcement and publicizing of the
4 provisions of P.L.1940, c.153 (C.34:2-21.1 et seq.). The advisory
5 board shall have access to reports, data and other information
6 regarding child labor in the possession of the department and
7 assistance from department personnel as required to perform its
8 duties¹ .

9 (cf: P.L.1991, c.205 s.6)

10

11 2. This act shall take effect on the 120th day after enactment.

12

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14

15

16 Establishes Child Labor Law Enforcement Fund.

SENATE, No. 1998

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED NOVEMBER 8, 2004

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes Child Labor Law Enforcement Fund.

CURRENT VERSION OF TEXT

As introduced.



S1998 INVERSO

2

1 AN ACT concerning child labor and amending P.L.1940, c.153.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. Section 19 of P.L.1940, c.153 (C.34:2-21.19) is amended to
7 read as follows:

8 19. a. Whoever employs or permits or suffers any minor to be
9 employed or to work in violation of this act, or of any order or ruling
10 issued under the provisions of this act, or obstructs the Department of
11 Labor and Workforce Development, its officers or agents, or any other
12 person authorized to inspect places of employment under this act, and
13 whoever, having under his control or custody any minor, permits or
14 suffers him to be employed or to work in violation of this act, shall be
15 guilty of an offense. If a defendant acts knowingly, an offense under
16 this section shall be a crime of the fourth degree. Otherwise it shall be
17 a disorderly persons offense and the defendant shall, upon conviction
18 for a violation, be punished by a fine of not less than ~~[\$100]~~ \$1,000
19 nor more than ~~[\$1,000]~~ \$2,000 for an initial violation and not less
20 than \$2,000 nor more than \$4,000 for each subsequent violation. Each
21 day during which any violation of this act continues shall constitute a
22 separate and distinct offense, and the employment of any minor in
23 violation of the act shall with respect to each minor so employed,
24 constitute a separate and distinct offense.

25 b. As an alternative to or in addition to any other sanctions
26 provided by law for violations of P.L.1940, c.153 (C.34:2-21.1 et
27 seq.), when the Commissioner of Labor and Workforce Development
28 finds that an individual has violated that act, the commissioner is
29 authorized to assess and collect administrative penalties ~~[, up to a~~
30 ~~maximum]~~ of not less than \$250 and not more than \$500 for a first
31 violation and [up to a maximum of] not less than \$500 and not more
32 than \$1,000 for each subsequent violation, specified in a schedule of
33 penalties to be promulgated as a rule or regulation by the
34 commissioner in accordance with the "Administrative Procedure Act,"
35 P.L.1968, c.410 (C.52:14B-1 et seq.). When determining the amount
36 of the penalty imposed because of a violation, the commissioner shall
37 consider factors which include the history of previous violations by the
38 employer, the seriousness of the violation, the good faith of the
39 employer, and the size of the employer's business. No administrative
40 penalty shall be levied pursuant to this section unless the
41 Commissioner of Labor and Workforce Development provides the
42 alleged violator with notification of the violation and of the amount of
43 the penalty by certified mail and an opportunity to request a hearing
44 before the commissioner or his designee within 15 days following the

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

Matter underlined thus is new matter.

1 receipt of the notice. If a hearing is requested, the commissioner shall
2 issue a final order upon such hearing and a finding that a violation has
3 occurred. If no hearing is requested, the notice shall become a final
4 order upon expiration of the 15-day period. Payment of the penalty is
5 due when a final order is issued or when the notice becomes a final
6 order. Any penalty imposed pursuant to this section may be recovered
7 with costs in a summary proceeding commenced by the commissioner
8 pursuant to ["the penalty enforcement law" (N.J.S.2A:58-1 et seq.)]
9 the "Penalty Enforcement Law of 1999" P.L.1999, c. 274 (C.2A:58-10
10 et seq.). Any sum collected as a fine or penalty pursuant to this
11 section shall be [applied toward enforcement and administration costs
12 of the Division of Workplace Standards in the Department of Labor]
13 deposited in the Child Labor Law Enforcement Fund established
14 pursuant to subsection c. of this section.

15 c. There is established in the Department of Labor and Workforce
16 Development the Child Labor Law Enforcement Fund. All moneys in
17 the fund shall be applied by the department toward the enforcement of
18 the provisions of P.L.1940, c.153 (C.34:2-21.1 et seq.).
19 (cf: P.L.1991, c.205 s.6)

20

21 2. This act shall take effect on the 120th day after enactment.

22

23

24

STATEMENT

25

26 This bill, increases penalties and fines for violations of the State's
27 child labor law, P.L.1940, c.153 (C.34:2-21.1 et seq.), as follows:

28 1. Penalties for violations imposed through the courts are increased
29 from not less than \$100 and not more than \$1,000 for a violation to
30 not less than \$1,000 and not more than \$2,000 for a first violation and
31 not less than \$2,000 and not more than \$4,000 for each subsequent
32 violation; and

33 2. Administrative penalties are increased from a maximum of \$250
34 for a first violation and \$500 for each subsequent violation to not less
35 than \$250 and not more than \$500 for a first violation and not less
36 than \$500 and not more than \$1,000 for each subsequent violation.

37 The bill also creates the Child Labor Law Enforcement Fund in the
38 Department of Labor and Workforce Development and provides that
39 all fines and penalties collected for violations of P.L.1940, c.153
40 (C.34:2-21.1 et seq.) be deposited in that fund to be applied toward
41 the enforcement of that act.

42 At present, there are less than five full-time equivalent positions to
43 oversee more than 100,000 New Jersey workplaces for a wide range
44 of possible child labor law violations, including excessive hours of
45 work by children which undermine their educations and work by
46 children in prohibited hazardous industries or with prohibited
47 dangerous machinery.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 1998

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2005

The Senate Labor Committee reports favorably and with committee amendments Senate Bill No. 1998.

This bill, as amended by the committee, increases penalties and fines for violations of the State's child labor law, P.L.1940, c.153 (C.34:2-21.1 et seq.), as follows:

1. Penalties for violations imposed through the courts are increased from not less than \$100 and not more than \$1,000 for a violation to not less than \$100 and not more than \$2,000 for a first violation and not less than \$200 and not more than \$4,000 for each subsequent violation; and

2. Administrative penalties are increased from a maximum of \$250 for a first violation and \$500 for each subsequent violation to not more than \$500 for a first violation, not more than \$1,000 for a second violation and not more than \$2,500 for each subsequent violation.

The bill also creates the Child Labor Law Enforcement Fund in the Department of Labor and Workforce Development and provides that all fines and penalties collected for violations of P.L.1940, c.153 (C.34:2-21.1 et seq.) be deposited in that fund to be applied, not only toward the enforcement of that act, but also towards publicizing the child labor law to employers, employees, and professionals, like teachers, counselors and social workers, involved with the welfare of children.

Finally, the bill establishes a Child Labor Law Enforcement Advisory Board to advise the Commissioner of Labor and Workforce Development, and issue annual reports about the use of moneys from the Trust Fund and other child labor issues. The board would consist of the commissioner, two members from employer organizations, two members from labor unions, one member from a school administrator organization, one member from a school employee organization, and one individual with expertise on the impact of child labor.

At present, there are less than five full-time equivalent positions to oversee more than 100,000 New Jersey workplaces for a wide range of possible child labor law violations, including excessive hours of work by children which undermine their educations and work by

children in prohibited hazardous industries or with prohibited dangerous machinery.

The committee amended the bill to:

a. Eliminate any increase in the minimum penalties for an initial violation of the child labor law which is found to be a disorderly persons offense, leaving the minimum penalty at its current level of \$100. Unamended, the bill increased the minimum penalty to \$1,000. The amendments reduce, from \$2,000 to \$200, what the bill would set as the minimum penalty for subsequent violations found to be disorderly persons offenses;

b. Eliminate entirely minimum administrative penalties for child labor law violation, which the unamended bill had set at \$250 per first violation and \$500 per subsequent violation. The maximum administrative penalty for first and second violations are not changed from the \$500 and \$1,000 amounts set by the unamended bill, but the penalty for third and subsequent violations is increased to \$2,500;

c. Provide that moneys from the Child Labor Law Enforcement Trust Fund established by the bill will be spent not only on enforcement, but also on publicizing the child labor law to employers, employees, and professionals, like teachers, counselors and social workers, involved with the welfare of children; and

d. Establish a Child Labor Law Enforcement Advisory Board to advise the Commissioner of Labor and Workforce Development, and issue annual reports about the use of moneys from the Trust fund and other child labor issues. The board would consist of the commissioner, two members from employer organizations, two members from labor unions, one member from a school administrator organization, one member from a school employee organization, and one individual with expertise on the impact of child labor.

ASSEMBLY, No. 366

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

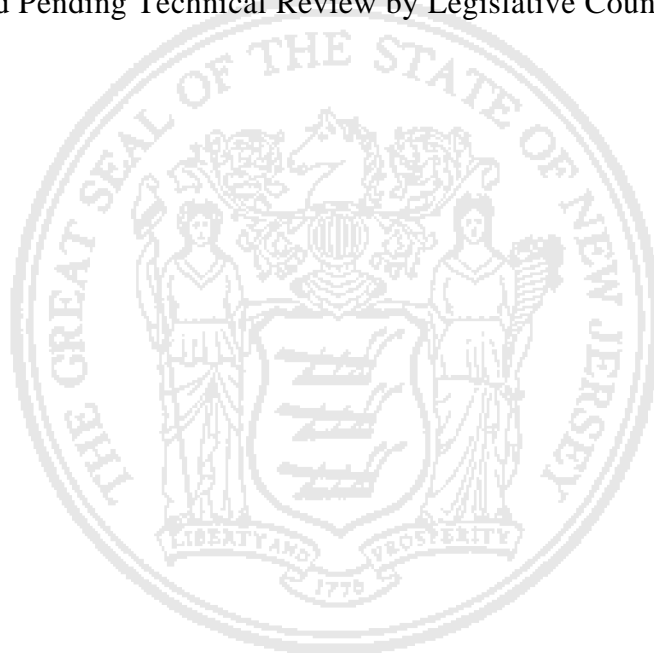
**Assemblywoman Previte, Assemblymen Greenwald, Burzichelli, Conaway,
Conners, Eagler, Fisher, Assemblywoman Greenstein, Assemblyman
Scalera and Assemblywoman Watson Coleman**

SYNOPSIS

Establishes Child Labor Law Enforcement Fund.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A366 CRUZ-PEREZ

2

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2

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11 Labor, its officers or agents, or any other person authorized to inspect
12 places of employment under this act, and whoever, having under his
13 control or custody any minor, permits or suffers him to be employed
14 or to work in violation of this act, shall be guilty of an offense. If a
15 defendant acts knowingly, an offense under this section shall be a
16 crime of the fourth degree. Otherwise it shall be a disorderly persons
17 offense and the defendant shall, upon conviction for a violation, be
18 punished by a fine of not less than ~~[\$100]~~ \$1,000 nor more than
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20 more than \$4,000 for each subsequent violation. Each day during
21 which any violation of this act continues shall constitute a separate and
22 distinct offense, and the employment of any minor in violation of the
23 act shall with respect to each minor so employed, constitute a separate
24 and distinct offense.

25 b. As an alternative to or in addition to any other sanctions
26 provided by law for violations of P.L.1940, c.153 (C.34:2-21.1 et
27 seq.), when the Commissioner of Labor finds that an individual has
28 violated that act, the commissioner is authorized to assess and collect
29 administrative penalties ~~[, up to a maximum]~~ of not less than \$250
30 and not more than \$500 for a first violation and ~~[up to a maximum of]~~
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32 violation, specified in a schedule of penalties to be promulgated as a
33 rule or regulation by the commissioner in accordance with the
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.). When determining the amount of the penalty imposed because
36 of a violation, the commissioner shall consider factors which include
37 the history of previous violations by the employer, the seriousness of
38 the violation, the good faith of the employer, and the size of the
39 employer's business. No administrative penalty shall be levied
40 pursuant to this section unless the Commissioner of Labor provides the
41 alleged violator with notification of the violation and of the amount of
42 the penalty by certified mail and an opportunity to request a hearing
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2 issue a final order upon such hearing and a finding that a violation has
3 occurred. If no hearing is requested, the notice shall become a final
4 order upon expiration of the 15-day period. Payment of the penalty is
5 due when a final order is issued or when the notice becomes a final
6 order. Any penalty imposed pursuant to this section may be recovered
7 with costs in a summary proceeding commenced by the commissioner
8 pursuant to ["the penalty enforcement law" (N.J.S.2A:58-1 et seq.)]
9 the "Penalty Enforcement Law of 1999" P.L.1999, c. 274 (C.2A:58-10
10 et seq.). Any sum collected as a fine or penalty pursuant to this
11 section shall be [applied toward enforcement and administration costs
12 of the Division of Workplace Standards in the Department of Labor]
13 deposited in the Child Labor Law Enforcement Fund established
14 pursuant to subsection c. of this section.

15 c. There is established in the Department of Labor the Child Labor
16 Law Enforcement Fund. All moneys in the fund shall be applied by the
17 department toward the enforcement of the provisions of P.L.1940,
18 c.153 (C.34:2-21.1 et seq.).
19 (cf: P.L.1991, c.205 s.6)

20

21 2. This act shall take effect on the 120th day after enactment.

22

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STATEMENT

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26 This bill, increases penalties and fines for violations of the State's
27 child labor law, P.L.1940, c.153 (C.34:2-21.1 et seq.), as follows:

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33 2. Administrative penalties are increased from a maximum of \$250
34 for a first violation and \$500 for each subsequent violation to not less
35 than \$250 and not more than \$500 for a first violation and not less
36 than \$500 and not more than \$1,000 for each subsequent violation.

37 The bill also creates the Child Labor Law Enforcement Fund in the
38 Department of Labor and provides that all fines and penalties collected
39 for violations of P.L.1940, c.153 (C.34:2-21.1 et seq.) be deposited in
40 that fund to be applied toward the enforcement of that act.

41 At present, there are less than five full-time equivalent positions to
42 oversee more than 100,000 New Jersey workplaces for a wide range
43 of possible child labor law violations, including excessive hours of
44 work by children which undermine their educations and work by
45 children in prohibited hazardous industries or with prohibited
46 dangerous machinery.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 366

STATE OF NEW JERSEY

DATED: NOVEMBER 22, 2004

The Assembly Labor Committee reports favorably Assembly Bill No. 366.

This bill, increases penalties and fines for violations of the State's child labor law, P.L.1940, c.153 (C.34:2-21.1 et seq.), as follows:

1. Penalties for violations imposed through the courts are increased from not less than \$100 and not more than \$1,000 for a violation to not less than \$1,000 and not more than \$2,000 for a first violation and not less than \$2,000 and not more than \$4,000 for each subsequent violation; and

2. Administrative penalties are increased from a maximum of \$250 for a first violation and \$500 for each subsequent violation to not less than \$250 and not more than \$500 for a first violation and not less than \$500 and not more than \$1,000 for each subsequent violation.

The bill also creates the Child Labor Law Enforcement Fund in the Department of Labor and Workforce Development and provides that all fines and penalties collected for violations of P.L.1940, c.153 (C.34:2-21.1 et seq.) be deposited in that fund to be applied toward the enforcement of that act.

At present, there are less than five full-time equivalent positions to oversee more than 100,000 New Jersey workplaces for a wide range of possible child labor law violations, including excessive hours of work by children which undermine their educations and work by children in prohibited hazardous industries or with prohibited dangerous machinery.

This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO
ASSEMBLY, No. 366

with Assembly Floor Amendments
(Proposed by Assemblywoman CRUZ-PEREZ)

ADOPTED: FEBRUARY 24, 2005

The Assembly amendments:

1. Eliminate any increase in the minimum penalties for an initial violation of the child labor law which is found to be a disorderly persons offense, leaving the minimum penalty at its current level of \$100. Unamended, the bill increased the minimum penalty to \$1,000. The amendments reduce, from \$2,000 to \$200, what the bill would set as the minimum penalty for subsequent violations found to be disorderly persons offenses;

2. Eliminate entirely minimum administrative penalties for child labor law violation, which the unamended bill had set at \$250 per first violation and \$500 per subsequent violation. The maximum administrative penalty for first and second violations are not changed from the \$500 and \$1,000 amounts set by the unamended bill, but the penalty for third and subsequent violations is increased to \$2,500;

3. Provide that moneys from the Child Labor Law Enforcement Trust Fund established by the bill will be spent not only on enforcement, but also on publicizing the child labor law to employers, employees, and professionals, like teachers, counselors and social workers, involved with the welfare of children; and

4. Establish a Child Labor Law Enforcement Advisory Board to advise the Commissioner of Labor and Workforce Development, and issue annual reports about the use of moneys from the Trust Fund and other child labor issues. The board would consist of the commissioner, two members from employer organizations, two members from labor unions, one member from a school administrator organization, one member from a school employee organization, and one individual with expertise on the impact of child labor.