

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:50 a.m. on March 30, 2000 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Russell Mills, Legislative Research Department
Judy Glasgow, Committee Secretary

Conferees appearing before the committee: Representative Doug Mays
Paul Petersen, A minor consideration
Heather Laird, Wright/Laird Casting
Jean Liebau, Talent Unlimited, L.L.C.
William M. Grace

Others attending: See Attached Sheet

Chairman Oleen opened the hearing on

HB 2838—an act concerning infants and minor children actors

Chairman Oleen recognized Representative Doug Mays, as a proponent to **HB 2838**. Representative Mays reviewed the bill and explained the major parts of the bill. He stated that the bill would cover infants from one month to age 15; and infants must be carried to full term, and of normal birth weight, the bill would provide for 15% of the earnings to be put into a trust for the benefit of the minor child until the child is 18; that the state department of human resources may adopt rules and regulations setting standards for minor children on motion picture sets to protect the safety and well being of minor children.

Chairman Oleen recognized Paul Petersen, a proponent to **HB 2838**. Mr. Petersen, a child actor in the 50's and 60's, stated that there are no regulations covering child labor in the entertainment field. When federal child labor laws were enacted in 1939, the entertainment field was not included. Mr. Petersen stated that laws have been enacted in California covering child labor laws in the entertainment field. Five other states including Kansas have introduced bills dealing with child labor in entertainment. Mr. Petersen explained the Coogan law which California had enacted to protect child stars earnings until they reach the age of 18. This was the result of child actors reaching adult and having no money for their years in the film industry. Mr. Petersen stated that this bill says that an infant must be full term, over 15 days of age and healthy, before the child could be hired for films and commercials. Mr. Petersen asks for the committee's favorable consideration of **HB 2838**.

Chairman Oleen turned to opponents of the bill and recognized Heather Laird, Wright/Laird Casting. Ms. Laird stated that there were several areas in the bill that should be clarified. Ms. Laird stated that the bill refers to the "casting agency" as being the employer. She stated that in Kansas, a casting director hires a talent on behalf of the producer, who signs the check. Ms. Laird also stated that 15 days from the day of order does not allow sufficient time as it may take from 30 to 120 days to pay talent. (Attachment 1).

Chairman Oleen recognized Jean Liebau, as an opponent to **HB 2838**. Ms. Liebau stated that as owner of Talent Unlimited, she represents more than 800 individuals in the Kansas City region. She stated that talent agencies do write checks to actors, but invoice the producer for the talent and are not the "employer". Ms. Liebau stated that during the last year only 30 children she controlled grossed over \$600; and of these only 3 were in the \$2,000 to \$3,000 range so none of her clients would have qualified under this bill.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 245-N Statehouse, at 11:50 A.M. on March 30, 2000.

In response to a question from Senator Biggs concerning how many states currently have child labor laws covering the entertainment and sports field, Paul Petersen stated that 37 do not have laws. Mr. Petersen went on to say that there is an movement under way to enact federal laws for child labor in entertainment and one of the steps is to pass legislation at the state level first.

Chairman Oleen noted that written testimony had been received from Representative Bonnie Sharp, as a sponsor and proponent to **HB 2838** (Attachment 2).

Written testimony was received from Shawn Mullane and Jennifer Mangan, Exposure, Inc., Model & Talent Agency, as opponents to **HB 2838** (Attachment 3).

Chairman Oleen closed the hearing on **HB 2838**.

Chairman Oleen announced that the committee would meet in Room 356 E for hearings on March 31, 2000. Senator Oleen explained that she was scheduled to give testimony in another hearing and Vice Chair Harrington had agreed to allow sponsors of **SB 667** time to present and explain some information to consider in their bill.

Vice Chairman Harrington recognized Brad Smoot, representing Kansas Racing, L.L.C. Mr. Smoot provided copies of the amendment to **SB 667** and stated that Bill Grace was present to answer committee questions. In response to a question from Senator Gooch, Mr. Grace stated that 99% of the quarter horse owners and thoroughbred owners were in agreement. Senator Biggs ask if the balloon had made significant changes in the bill and Mr. Grace replied that most of the amendments were technical in nature. Senator Gooch questioned if there would be any risk to the state in the venture and Mr. Grace stated that all the risks would be assumed by the tracks and that the states would have no risk at all. In response to a question concerning what kind of time frame would be needed to determine if this was successful, Mr. Grace stated that the racetrack in Kansas City would need to take 20 % of the market.

Upon completion of questions, Vice Chairman Harrington adjourned the meeting at 1:10 p.m. The next meeting will be March 31, 2000.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE: MARCH 30, 2000

NAME	REPRESENTING
Alan Steppat	Hartahs
Carol Johnson	KRBE
Heather Akersky	KDOCH
Claudia Larkin	KDOCH
Vicky Henley	KDOCH
DON DOESIDEN	
DOUGLAS HAGER	KDHR
Heather Laird	Wright/Laird Consulting
Jean Liebman	Talent Unlimited Agency
John O. Bortentuy	Ks Racing LLC
John B. Hahn	KR GQ
Marion G. Kauf	KRCC
Tom Fack	Ks Lottery
Greg Resnick	Ks Lottery
Daniel Hurley	CITICORP
Steve M. Gice	McLure, Sochis & Assoc.
BOB ANDERSON	KGA
W.M. GRACE	Kansas Racing -
Michael W. Harn	Kansas Racing LLC

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE: MARCH 30, 2000

NAME	REPRESENTING
Jim Costello	Kansas Racing UC
Rep Dan Mays	House
Paul Peterson	A Minor Consideration
Rheon R -	Ks. Club & Assoc
George Barbee	Barbee & Assoc's.

RESPONSE TO
HOUSE BILL 2838

HEATHER LAIRD
JEAN LIEBAU

MARCH 30, 2000

Talent Unlimited, L.L.C.	816/561-9040
Wright/Laird Casting	816/531-0331

m. Sen. Federal & State Affairs Comm
Date: 3-30-00
Attachment: # 1-1

Heather Laird: I am the principal owner of the Kansas City based company Wright/Laird Casting. I run the only full-time, full service casting facility in the area and have been in business here for the last 7 years. Before that, I spent 10 years in the Los Angeles Market. I have worked in casting on 27 film projects, 5 series and literally hundreds of commercials, corporate/industrial/education videos, print ads and legitimate theatre projects.

I am originally from Lawrence and have many Kansas clients. You may be familiar with some of the projects that I have worked on in Kansas. They include the Hallmark Hall of Fame *Sarah, Plain & Tall* series, Tim Burton's feature film *Mars Attacks*, TV movies *Dead Before Dawn*, *Chowchilla*, the NBC mini-series *A Matter of Justice*, HBO's *Truman*, *The Laura Black Story*, *Stolen Women* and *Monday After the Miracle* for CBS, the independent project *More Than Puppy Love* and most recently, the Ang Lee feature *Ride With the Devil* which had some locations on Kansas soil.

Jean Liebau: I am a Kansas resident and have been in the Entertainment and Advertising industries for the past 10 years. I am the owner of Talent Unlimited, the largest talent agency in Kansas City and the region. Talent Unlimited is a SAG/AFTRA franchised agency and we represent more than 800 individuals of all ages, from infants to seniors. The objective of the agency is to create a strong base of professional, trained talent to supply advertisers and producers across the nation for TV, Radio, Film and Print work.

Talent Unlimited has supplied talent for all of the film projects Heather listed that have filmed in Kansas. In addition we have provided talent for many Kansas based clients including: Blue Cross & Blue Shield, Kansas Health Foundation, Intrust Bank, Koch Industries, Coleman, Cessna, Payless Shoe Source, Hills, to name few.

Heather: As I said before, I spent 10 years in LA. You can't live and work in Entertainment in that town without being exposed to the abuses that lead to the establishment of the union rules and state legislation that together protect the rights of both adult and child actors. I applaud the efforts of our legislators and the private citizens who champion the cause and I appreciate the good-intentions of the creators of House Bill 2838. HOWEVER, I do not understand why this is being pursued this here, in Kansas.

In the seven years that I have been here, I can think of only four children who have made over \$5,000 on any one given job. One child was cast in a min-series about 5 years ago and made about \$20,000. The other three little girls were cast in a Wal-mart spot that probably made them each about \$10,000 in residuals. Please understand – We're not talking here about \$10,000 a week or per month or even yearly. We're talking about one situation, one job, one time. These kids aren't making hundreds of thousands of dollars a year on a TV series – this is a one-shot deal. What is the difference between these kids and the 16-year-old with an after school or summer job? What about the kid with the paper route? If you are going to enact legislation to protect child earnings in this state, why single out the entertainment or advertising industries? There is not enough money involved here. Based on the dollars we're talking about here, this makes no sense.

Jean: Talent Unlimited has represented children for the past 15 years and currently has 315 children on file, 16 years and under. Only 30 of these children were give 1099's for the year of 1999, which means that only 30 children grossed over \$600 for the entire year. Only 3 of those children were in the \$2,000 to \$3,000 range and the majority earned an average of \$1,000.

As you can see, we are not talking about a lot of money in this area. This is not the West Coast by any means.

Heather: And we're talking about kids who are working in both Kansas and Missouri. Why waste time and money on legislation that involves very little money and very few individuals? God bless the efforts of our fabulous Kansas Film Commission, and we get much more production work per capita than other states, but let's face it. Kansas is geographically challenged. We don't have a warm enough climate for year-round production, and we don't have the variety in terrain, i.e. mountains and oceans to compete with the bigger markets. Would you waste time enacting legislation to govern ocean liners in Kansas? Of course not. Short of a catastrophic earthquake that drops LA into the ocean and brings the shore to our state line, and creates enough seismic activity to make mountains in Kansas and shove us about 500 miles south...it ain't going to happen. We are as likely to become "Port Kansas" as we are to see a dramatic increase in production.

However, if you are still dead-set on passing this legislation, then there are a couple of key points we'd like to make.

- 1) Jean: The language of the bill is very confusing. Who is the "employer"? Who is going to take responsibility for making sure that the money is put into the trust fund for these kids? The bill refers to a "Casting Agency" at one point as being the responsible party. There is no such business. There are casting companies and casting directors who freelance with producers from advertising agencies, production companies, photographers or theatres. A casting director (like Heather) "hires" a talent on behalf of the producer. However, the producer signs the check.

Talent agencies write checks to actors, but we invoice the producer for the talent and distribute the funds. We are also not the "employer". We book talent as contract labor, on behalf of our clients. The businesses that should carry the responsibility with this legislation are advertising agencies and production companies. If you must enact this legislation, please change the language to put the responsibility where it belongs – on the producer.

- 2) Regarding the New Sec. 6, B-4, the time-lines are not clear. The proposed time-line of 15 days from the day of order is unreasonable. Many clients will take anywhere from 30 to 120 days to pay talent. Even the unions can be up to 30 working days. We suggest that you amend this to read 15 days from the date in which the funds are dispersed to the talent.
- 3) In New Sec. 6, B-6, you identify the parents to be trustees, when in fact the whole reason that you are proposing this legislation is because you don't trust the parents!

- 4) Heather: If you are committed to enacting this legislation, then the \$5,000 / job limit you have established is essential. However, I would like to point out that you might as well not bother. \$5,000 limit effectively makes this a waste of time. Look at the examples of the few kids making very little money that we discussed earlier. The cases in which children are making \$5,000 or more on any one job are all but non-existent here.

In conclusion, we would like to reiterate that we are both pro-kids. Jean is a mother of 2 boys. Practically everybody we work with in town has kids. Our stand is not about being against the rights of children. It is about not wasting taxpayer money on unneeded legislation that has the potential to create paperwork nightmares for us and our clients, that ultimately doesn't really accomplish anything of value for Kansans.

We thank you for your time. Are there any questions?

STATE OF KANSAS



BONNIE SHARP

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COMMITTEE ASSIGNMENTS
MEMBER: ECONOMIC DEVELOPMENT
FINANCIAL INSTITUTIONS
TAXATION
KANSAS 2000
RANKING DEMOCRAT

TOPEKA

HOUSE OF
REPRESENTATIVES

MARCH 30, 2000

THANK YOU MADAM CHAIR AND COMMITTEE MEMBERS.

I APPRECIATE THE OPPORTUNITY TO SUBMIT TESTIMONY TO THE SENATE COMMITTEE THIS MORNING. I'M SORRY THAT I AM NOT ABLE TO APPEAR PERSONALLY BEFORE YOU TODAY; HOWEVER, I'M CONFIDENT OF PAUL PETERSON'S ABILITY TO EXPLAIN HOUSE BILL 2838.

PAUL IS COMMITTED TO PROMOTING STATE LEGISLATION THAT PROTECTS CHILDREN IN THE ENTERTAINMENT INDUSTRY. HIS PERSONAL EXPERIENCE AS A CHILD ACTOR DURING THE 1950'S - 60'S, MAKES HIM AN EXPERT ON THIS PROPOSED LEGISLATION. HE HAS BEEN TRAVELING TO MANY STATES SHARING HIS INSIGHTS AND CONCERNS. HOPEFULLY, HIS SUCCESS IN KANSAS AND OTHER STATE LEGISLATURES, WILL HELP PRODUCE THE DESIRED FEDERAL REGULATION THAT IS ALSO NEEDED. I KNOW THAT YOU WILL APPRECIATE PAUL'S DEDICATION AND PASSION TO PROTECT CHILDREN, THEREFORE I ASK FOR YOUR FAVORABLE CONSIDERATION ON HOUSE BILL 2838.

IF YOU HAVE QUESTIONS, PLEASE CALL ME ON THE HOUSE FLOOR AT 6-7627.

nm. Sen. Federal & State Affairs Com
Date: 3-30-00
Attachment: # 2-1

Exposure

From: Exposure <exposure@kc.net>
To: <wrightlaridcasting@kc.rr.com>
Sent: Wednesday, March 29, 2000 10:10 AM
Subject: Fw: ACT concerning infants and minor children actors

-----Original Message-----

From: Exposure <exposure@kc.net>
To: johnrp@house.state.ks.us <johnrp@house.state.ks.us>
Cc: vhenley@KDOCH.STATE.KS.US <vhenley@KDOCH.STATE.KS.US>
Date: Friday, January 21, 2000 5:08 PM
Subject: ACT concerning infants and minor children actors

To: John Potter

From: Shawn Mullane & Jennifer Mangan
Owners of Exposure, Inc Model & Talent Agency

We would like to go on record as being opposed to the pending legislation concerning infants and minor children and the mandatory 15% Trust Fund/Savings deposits. We truly feel that is not our obligation as an agency representing minors to make deposits to a Trust Fund/Saving account for these talent. This responsibility should fall on the parents or guardians of the minor.

In addition, this would add huge time restraints to the business of the agency as well as the obvious additional financial burden it would involve. We would have additional checks to write (we currently write 750-1000 checks a month) as well as additional accounting. We represent approximately 150 minors. Maintaining the paperwork involved with that many Trust Funds/Savings Accounts would be an administrative hardship.

I'm hoping that you will respect the opinion of the people in the industry that this legislation will directly effect. We at Exposure are always in favor of acts that protect or benefit a minor working in our industry, and a mandatory Trust Fund or Savings Account is actually a fine idea. However, it should be the parent or guardian's obligation to contribute 15% of a minor's earnings to a Trust Fund or Savings Account. After all it is their money, not ours.

Thank you for your time and consideration.

Sincerely,
Exposure, Inc. Model & Talent Agency

Sen. Federal & State Affairs Co
Date: 3-30-00
Attachment: # 3-1