

House File 647

H-1267

1 Amend House File 647 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 92.3, Code 2023, is amended to read as
5 follows:

6 **92.3 Under fourteen — work activities not permitted**
7 **occupations.**

8 No person under fourteen years of age shall be employed
9 or permitted to work with or without compensation in any
10 ~~occupation, except in the street occupations or migratory~~
11 ~~labor occupations specified in section 92.1 work activity.~~
12 ~~Any migratory laborer twelve to fourteen years of age may not~~
13 ~~work prior to or during the regular school hours of any day of~~
14 ~~any private or public school which teaches general education~~
15 ~~subjects and which is available to such child.~~

16 Sec. 2. Section 92.4, Code 2023, is amended to read as
17 follows:

18 **92.4 Under sixteen — permitted ~~occupations~~ work activities.**

19 No person under sixteen years of age shall be employed
20 or permitted to work with or without compensation in any
21 ~~occupation~~ work activity during regular school hours, except
22 the following work activities:

23 1. Those persons legally out of school, if such status
24 is verified by the submission of written proof to the ~~labor~~
25 ~~commissioner~~ director.

26 2. Those persons working in a supervised school-work
27 program.

28 3. Those persons between the ages of fourteen and sixteen
29 enrolled in school on a part-time basis and who are required to
30 work as a part of their school training.

31 ~~4. Fourteen and fifteen year old migrant laborers during~~
32 ~~any hours when summer school is in session.~~

33 Sec. 3. Section 92.5, Code 2023, is amended to read as
34 follows:

35 **92.5 ~~Fourteen and fifteen~~ — permitted ~~occupations~~ work**

HF 647.1868 (2) 90

(amending this HF 647 to CONFORM to SF 542)

1 activities.

2 Persons fourteen ~~and fifteen~~ years of age may be employed or
3 permitted to work in the following ~~occupations~~ work activities:

4 1. Retail, food service, and gasoline service
5 establishments.

6 2. Office and clerical work, including operation of office
7 machines.

8 3. Cashiering, selling, modeling, art work, work in
9 advertising departments, window trimming, and comparative
10 shopping.

11 4. Price marking and tagging by hand or by machine,
12 assembling orders, packing, and shelving.

13 5. Bagging and carrying out customers' orders.

14 6. Errand and delivery work by foot, bicycle, and public
15 transportation.

16 7. Cleanup work, including the use of vacuum cleaners and
17 floor waxers, and maintenance of grounds.

18 8. Kitchen work and other work involved in preparing and
19 serving food and beverages, including the cleaning using
20 kitchen cleaning products with required personal protective
21 equipment, operation of machines and devices used in the
22 performance of such work, including but not limited to
23 microwaves, dishwashers, toasters, dumb-waiters, popcorn
24 poppers, milk shake blenders, and coffee grinders.

25 9. a. Work in connection with motor vehicles and trucks if
26 confined to the following:

27 (1) Dispensing gasoline and oil.

28 (2) Courtesy service.

29 (3) Car cleaning, washing, and polishing.

30 b. Nothing in this subsection shall be construed to include
31 work involving the use of pits, racks, or lifting apparatus or
32 involving the inflation of any tire mounted on a rim equipped
33 with a removable retaining ring.

34 10. Cleaning vegetables and fruits, and wrapping, sealing,
35 labeling, weighing, pricing, and stocking goods when performed

1 in areas physically separate from areas where meat is prepared,
2 ~~for sale and outside~~ including momentary work in freezers or
3 and meat coolers.

4 11. Loading onto motor vehicles and unloading from motor
5 vehicles of the light, non-power-driven hand tools and personal
6 protective equipment that the minor will use as part of their
7 employment at the work site. Such light tools include but are
8 not limited to rakes, hand-held clippers, shovels, and brooms.
9 Such light tools do not include items such as trash, sales
10 kits, promotion items or items for sale, lawn mowers, or other
11 power-driven lawn maintenance equipment.

12 12. Laundrying.

13 13. Work in the production of seed, limited to removal of
14 off-type plants and corn tassels and hand-pollinating from June
15 1 through Labor Day.

16 14. Other work approved by the rules adopted pursuant to
17 chapter 17A by the ~~labor commissioner~~ director.

18 Sec. 4. Section 92.6, Code 2023, is amended to read as
19 follows:

20 92.6 Fourteen and fifteen — ~~occupations~~ work activities not
21 permitted.

22 1. Persons fourteen and fifteen years of age may not be
23 employed in:

24 a. Any manufacturing ~~occupation~~ work activity.

25 b. Any mining ~~occupation~~ work activity.

26 c. Processing ~~occupations~~ work activities, except in a
27 retail, food service, or gasoline service establishment in
28 those specific ~~occupations~~ work activities expressly permitted
29 under the provisions of [section 92.5](#) or [92.6A](#).

30 d. ~~Occupations~~ Work activities requiring the performance
31 of any duties in workrooms or work places where goods are
32 manufactured, mined, or otherwise processed, except to the
33 extent expressly permitted in retail, food service, or gasoline
34 service establishments under the provisions of section 92.5 or
35 92.6A.

1 e. Public messenger service.

2 f. Operation or tending of hoisting apparatus or of any
3 power-driven machinery, other than office machines and machines
4 in retail, food service, and gasoline service establishments
5 which are specified in section 92.5 as machines ~~which~~ that such
6 minors may operate in such establishments.

7 ~~g. Occupations~~ Work activities prohibited by rules adopted
8 pursuant to chapter 17A by the ~~labor commissioner~~ director.

9 ~~h. Occupations~~ Work activities in connection with the
10 following, except office or sales work in connection with these
11 ~~occupations work activities~~, not performed on transportation
12 media or at the actual construction site:

13 (1) Transportation of persons or property by rail, highway,
14 air, on water, pipeline, or other means.

15 (2) Warehousing and storage.

16 (3) Communications and public utilities.

17 (4) Construction, including repair.

18 i. Any of the following ~~occupations work activities~~ in a
19 retail, food service, or gasoline service establishment:

20 (1) Work performed in or about boiler or engine rooms.

21 (2) Work in connection with maintenance or repair of the
22 establishment, machines, or equipment.

23 (3) Outside window washing that involves working from
24 window sills, and all work requiring the use of ladders,
25 scaffolds, or their substitutes.

26 (4) Cooking except at soda fountains, lunch counters, snack
27 bars, or cafeteria serving counters, and baking.

28 (5) ~~Occupations which~~ Work activities that involve
29 operating, setting up, adjusting, cleaning, oiling, or
30 repairing power-driven food slicers and grinders, food choppers
31 and cutters, and bakery-type mixers.

32 ~~(6) Work in freezers and meat coolers and all work in~~
33 ~~preparation of meats for sale, except wrapping, sealing,~~
34 ~~labeling, weighing, pricing, and stocking when performed in~~
35 ~~other areas.~~

1 ~~(7)~~ (6) Loading and unloading goods to and from trucks,
2 railroad cars, or conveyors, except as permitted by section
3 92.5, subsection 11.

4 ~~(8)~~ (7) All ~~occupations~~ work activities in warehouses
5 except office and clerical work.

6 ~~j. Laundering, except for the use of a washing machine~~
7 ~~which has a capacity of less than ten cubic feet and which is~~
8 ~~designed to reach an internal temperature which does not exceed~~
9 ~~212 degrees Fahrenheit.~~

10 2. Nothing in this section shall be construed as prohibiting
11 office, errand, or packaging work when done away from moving
12 machinery.

13 Sec. 5. NEW SECTION. **92.6A Fifteen — permitted work**
14 **activities.**

15 1. Persons fifteen years of age may be employed or permitted
16 to work in any of the work activities provided in section 92.5
17 in addition to the following work activities:

18 a. Loading and unloading non-power-driven equipment weighing
19 up to thirty pounds into motor vehicles.

20 b. Loading and unloading groceries and other retail items
21 weighing up to thirty pounds into motor vehicles.

22 c. Stocking shelves with items weighing up to thirty pounds.

23 d. If properly licensed, work as a lifeguard or swim
24 instructor at a traditional swimming pool or amusement park.

25 2. The director may issue a waiver of any weight limitations
26 provided in subsection 1 of up to fifty pounds depending on the
27 strength and ability of the fifteen-year-old.

28 3. The director may issue a waiver for a fifteen-year-old
29 to be able to load and unload light power-driven lawn machines
30 based on the ability of the minor if the minor is supervised,
31 the machine is powered off, and the safety key is stored away
32 from the machine.

33 4. The director may issue a waiver for a fifteen-year-old
34 to perform light assembly work as long as the assembly is not
35 performed on machines or in an area with machines.

1 Sec. 6. Section 92.7, Code 2023, is amended to read as
2 follows:

3 **92.7 Under sixteen — hours permitted.**

4 A person under sixteen years of age shall not be employed
5 with or without compensation, except as provided in sections
6 ~~92.2~~ 92.5 and ~~92.3~~ 92.6A, before the hour of 7:00 a.m. or after
7 ~~7:00~~ 9:00 p.m., except during the period from June 1 through
8 Labor Day when the hours may be extended to ~~9:00~~ 11:00 p.m.
9 If such person is employed for a period of five hours or more
10 each day, an intermission of not less than thirty minutes shall
11 be given. Such a person shall not be employed for more than
12 eight hours in one day, exclusive of intermission, and shall
13 not be employed for more than forty hours in one week. The
14 hours of work of persons under sixteen years of age employed
15 outside school hours shall not exceed ~~four~~ six in one day or
16 twenty-eight in one week while school is in session.

17 Sec. 7. NEW SECTION. **92.7A Sixteen and seventeen — hours**
18 **permitted.**

19 A person who is sixteen or seventeen years of age may work
20 the same hours as a person who is eighteen years of age.

21 Sec. 8. Section 92.8, Code 2023, is amended to read as
22 follows:

23 **92.8 Under eighteen — prohibited ~~occupations~~ work**
24 **activities.**

25 No person under eighteen years of age shall be employed
26 or permitted to work with or without compensation at any
27 of the following ~~occupations~~ work activities or business
28 establishments:

29 1. ~~Occupations~~ Work activities in or about plants or
30 establishments manufacturing or storing explosives or articles
31 containing explosive components, except for the following:

32 a. Performing light assembly work as long as the assembly is
33 not performed on machines or in an area with machines.

34 b. Selling or assisting in the sale of consumer fireworks in
35 accordance with section 100.19.

1 ~~2. Occupations of motor vehicle driver and helper.~~
2 3. 2. Logging occupations Logging and ~~occupations in~~
3 the operation of any sawmill, lath mill, shingle mill, or
4 cooperage-stock mill.
5 ~~4. 3. Occupations involved in the operation~~ Operation of
6 power-driven woodworking machines.
7 5. 4. Occupations Work activities involving exposure to
8 radioactive substances and to ionizing radiations.
9 ~~6. 5. Occupations involved in the operation~~ Operation of
10 elevators and other power-driven hoisting apparatus.
11 ~~7. 6. Occupations involved in the operation~~ Operation of
12 power-driven metal forming, punching, and shearing machines.
13 ~~8. 7. Occupations in connection with mining~~ Mining.
14 ~~9. 8. Occupations~~ Work activities in or about slaughtering
15 and meat packing establishments and rendering plants.
16 ~~10. 9. Occupations involved in the operation~~ Operation
17 of certain power-driven bakery machines. Except as otherwise
18 provided in this subsection, this subsection does not apply to
19 the operation of pizza dough rollers that are a type of dough
20 sheeter that have been constructed with safeguards contained in
21 the basic design so as to prevent fingers, hands, or clothing
22 from being caught in the in-running point of the rollers,
23 that have gears that are completely enclosed, and that have
24 microswitches that disengage the machinery if the backs or
25 sides of the rollers are removed, only when all the safeguards
26 detailed in this subsection are present on the machinery, are
27 operational, and have not been overridden. However, this
28 subsection does apply to the setting up, adjusting, repairing,
29 oiling, or cleaning of pizza dough rollers as described in this
30 subsection.
31 ~~11. 10. Occupations involved in the operation~~ Operation of
32 certain power-driven paper products machines, except loading
33 balers if the machine is powered off and the key is stored in a
34 separate area from the machine.
35 ~~12. 11. Occupations involved in the manufacture~~

1 Manufacturing of brick, tile, and related products.
2 ~~13. 12. Occupations involved in the operation~~ Operation of
3 circular saws, band saws, and guillotine shears.
4 ~~14. 13. Occupations involved in wrecking~~ Wrecking,
5 demolition, and shipbreaking operations.
6 ~~15. 14. Occupations involved in roofing~~ Roofing
7 operations.
8 ~~16. 15. Excavation occupations.~~
9 ~~17. 16. In~~ Work activities in or about foundries; provided
10 that office, shipping, and assembly area employment shall not
11 be prohibited by this chapter.
12 ~~18. 17. Occupations involving the operation~~ Operation of
13 dry cleaning or dyeing machinery.
14 ~~19. 18. Occupations~~ Work activities involving exposure to
15 lead fumes or its compounds, or to dangerous or poisonous dyes
16 or chemicals.
17 ~~20. 19. Occupations involving the transmission~~
18 Transmission, distribution, or delivery of goods or messages
19 between the hours of 10:00 p.m. and 5:00 a.m.
20 19A. Work activities in establishments where nude or
21 topless dancing is performed.
22 ~~21. 20. Occupations~~ Work activities prohibited by rules
23 adopted pursuant to chapter 17A by the labor commissioner
24 director.
25 **Sec. 9. NEW SECTION. 92.8A Approved career and technical**
26 **education, work-based learning, internships, registered**
27 **apprenticeship programs, and student learners.**
28 1. The director of the department of workforce development
29 or department of education may grant an exception from any
30 provision of section 92.6, 92.7, or 92.8 for minors fourteen
31 to seventeen years of age participating in work-based learning
32 or a school or employer-administered, work-related program
33 approved by the department of workforce development or the
34 department of education if all of the following apply:
35 a. The requestor demonstrates the activity will be performed

HF 647.1868 (2) 90

(amending this HF 647 to CONFORM to SF 542)

1 under adequate supervision and training.

2 *b.* The training includes adequate safety precautions.

3 *c.* The terms and conditions of the proposed employment will
4 not interfere with the health, well-being, or schooling of the
5 minor enrolled in the approved program.

6 *d.* The work is not prohibited under section 92.6, subsection
7 1, paragraph “*b*”, “*e*”, “*f*”, or “*h*”, section 92.6, subsection
8 1, paragraph “*i*”, subparagraph (1) or (3), or section 92.8,
9 subsection 1, 2, 4, 7, 8, 18, or 19A.

10 2. Section 92.8 shall not apply to a student in an approved
11 work-based learning program, registered apprenticeship, career
12 and technical education program, or student learner program
13 provided the student is employed under all of the following
14 conditions:

15 *a.* The student is employed in a craft recognized as an
16 apprenticeable trade or the student is employed under a written
17 employment agreement.

18 *b.* The work of the apprentice or student employee in the
19 work activities declared particularly hazardous is incidental
20 to the apprentice’s training.

21 *c.* The work is intermittent and for short periods of time
22 and is under the direct and close supervision of a qualified
23 and experienced person.

24 *d.* Adequate on-the-job training and safety instructions are
25 in place.

26 *e.* The work is not prohibited under section 92.8, subsection
27 1, 2, 4, 7, 8, 18, or 19A.

28 3. A minor shall not perform work under this section unless
29 the director has on file written permission from the minor’s
30 parent, guardian, or legal custodian, and from the school
31 administering the program or employer, for the minor to perform
32 work under this section.

33 Sec. 10. Section 92.17, subsection 2, Code 2023, is amended
34 by striking the subsection.

35 Sec. 11. Section 92.17, subsection 3, Code 2023, is amended

HF 647.1868 (2) 90

(amending this HF 647 to CONFORM to SF 542)

1 to read as follows:

2 3. A child from working in any ~~occupation~~ work activity or
3 business operated by the child's parents. For the purposes
4 of this subsection, "*child*" and "*parents*" include a foster
5 child and the child's foster parents who are licensed by the
6 department of health and human services.

7 Sec. 12. Section 92.17, subsection 4, Code 2023, is amended
8 by striking the subsection and inserting in lieu thereof the
9 following:

10 4. A child under sixteen years of age from being employed or
11 permitted to work, with or without compensation, as a model, if
12 the written permission of the parent, guardian, or custodian of
13 the child is obtained prior to the commencement of the work,
14 and the work complies with the hours permitted in section 92.7.
15 This subsection does not allow modeling for an unlawful purpose
16 or modeling that would violate any other law.

17 Sec. 13. Section 92.17, Code 2023, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 4A. A child under sixteen years of age
20 from being employed or permitted to work, with or without
21 compensation, performing in motion pictures, theatrical
22 productions, or musical performances, if the written permission
23 of the parent, guardian, or custodian of the child is obtained
24 prior to the commencement of the work. This subsection
25 does not allow performing in motion pictures, theatrical
26 productions, or musical performances for an unlawful purpose
27 or performing in motion pictures, theatrical productions, or
28 musical performances that would violate any other law.

29 Sec. 14. Section 92.19, subsections 2 and 3, Code 2023, are
30 amended by striking the subsections.

31 Sec. 15. Section 92.20, subsection 1, Code 2023, is amended
32 by striking the subsection.

33 Sec. 16. Section 92.21, subsection 1, Code 2023, is amended
34 to read as follows:

35 1. The ~~labor commissioner~~ director may adopt rules pursuant

HF 647.1868 (2) 90

(amending this HF 647 to CONFORM to SF 542)

1 to **chapter 17A** to more specifically define the ~~occupations~~
2 work activities and equipment permitted or prohibited in this
3 chapter, ~~to determine occupations for which work permits are~~
4 ~~required~~, and to issue general and special orders prohibiting
5 or allowing the employment of persons under eighteen years
6 of age in any place of employment defined in **this chapter** as
7 hazardous to the health, safety, and welfare of the persons.

8 Sec. 17. Section 92.22, subsection 1, Code 2023, is amended
9 to read as follows:

10 1. The ~~labor commissioner~~ director shall enforce this
11 chapter. An employer who violates **this chapter** or the rules
12 adopted pursuant to **this chapter** is subject to a civil penalty
13 of not more than ten thousand dollars for each violation.
14 The director may waive or reduce a civil penalty based on
15 evidence the director may obtain. The director shall provide a
16 fifteen-day grace period before imposing a civil penalty.

17 Sec. 18. Section 92.23, Code 2023, is amended to read as
18 follows:

19 **92.23 Group insurance.**

20 Anyone under the age of eighteen and subject to **this chapter**
21 employed in the ~~street occupations who sells or delivers work~~
22 activities of selling or delivering the product or service
23 of another and who is designated in such capacity as an
24 independent contractor shall be provided participation, if the
25 person under the age of eighteen desires it at group rate cost,
26 in group insurance for medical, hospital, nursing, and doctor
27 expenses incurred as a result of injuries sustained arising out
28 of and in the course of selling or delivering such product or
29 service by the person, firm, or corporation whose product or
30 service is so delivered.

31 Sec. 19. NEW SECTION. **92.24 Employer liability in**
32 **work-based learning.**

33 1. For purposes of this section, unless the context
34 otherwise requires:

35 a. "*Business*" means any city, county, or township, including

HF 647.1868 (2) 90

(amending this HF 647 to CONFORM to SF 542)

1 but not limited to a fire department or law enforcement
2 office or department, public university, municipal university,
3 community college, technical college or not-for-profit
4 private postsecondary educational institution, corporation,
5 association, partnership, proprietorship, limited liability
6 company, limited partnership, limited liability partnership,
7 organization or other legal entity, whether for-profit or
8 not-for-profit, that does all of the following:

9 (1) Enters into an agreement with a school district for a
10 work-based learning program.

11 (2) Directly supervises a student who is participating in
12 the work-based learning program, either on the premises of the
13 business or at another location.

14 ***b. "Work-based learning program"*** means a learning program to
15 which all of the following apply:

16 (1) The program includes but is not limited to work-related,
17 on-the-job training, job shadowing, internships, clinicals,
18 practicums, registered apprenticeships, co-ops, supervised
19 agricultural experiences, and industry-led service-learning
20 projects.

21 (2) The program is incorporated into secondary coursework
22 or related to a specific field of study.

23 (3) The program integrates knowledge and theory learned
24 in the classroom or other school-approved setting with
25 the practical application and development of skills and
26 proficiencies in a professional work setting.

27 2. A business that accepts a secondary student in a
28 work-based learning program shall not be subject to civil
29 liability for any claim for bodily injury to the student or
30 sickness or death by accident of the student arising from
31 the student's driving to or from the business or worksite to
32 participate in the work-based learning program unless the
33 student is acting within the course and scope of the student's
34 employment at the direction of the business.

35 3. Any claim for bodily injury to the student or sickness

HF 647.1868 (2) 90

(amending this HF 647 to CONFORM to SF 542)

1 or death by accident of the student arising from the student's
2 participation in the work-based learning program at the
3 business or worksite shall be recovered exclusively under
4 chapters 85, 85A, 85B, and 86.

5 Sec. 20. Section 123.49, subsection 2, paragraph f, Code
6 2023, is amended to read as follows:

7 f. Employ a person under eighteen years of age in the
8 sale or serving of alcoholic beverages for consumption on
9 the premises where sold. This paragraph shall not apply if
10 the employer has on file written permission from the parent,
11 guardian, or legal custodian of a person sixteen or seventeen
12 years of age for the person to sell or serve alcoholic
13 beverages for consumption on the premises where sold. However,
14 a person sixteen or seventeen years of age shall not work in
15 a bar as defined in section 142D.2. The employer shall keep
16 a copy of the written permission on file until the person
17 is either eighteen years of age or no longer engaged in the
18 sale of or serving alcoholic beverages for consumption on the
19 premises where sold. If written permission is on file in
20 accordance with this paragraph, a person sixteen or seventeen
21 years of age may sell or serve alcoholic beverages in a
22 restaurant as defined in section 142D.2.

23 Sec. 21. REPEAL. Sections 92.1, 92.2, 92.9, 92.10, 92.11,
24 92.12, 92.13, 92.14, 92.15, 92.16, and 92.18, Code 2023, are
25 repealed.

26 Sec. 22. INTERIM STUDY COMMITTEE — MINOR DRIVER'S LICENSE.

27 1. The legislative council is requested to establish an
28 interim study committee to meet during the 2023 legislative
29 interim to examine policy matters relating to licensed driving
30 by persons between fourteen and eighteen years of age. The
31 committee is charged to study and make recommendations
32 on statutory changes relating to minor driver's licensing
33 including but not limited to:

34 a. Adding a work driving privilege to the current special
35 minor's license.

1 b. Completing traditional or parent-taught driver's
2 education.

3 c. Determining age eligibility for a special minor's
4 license.

5 d. Allowing a minor to drive up to a certain distance for
6 nonfarm work.

7 e. Determining the number of minutes before or after the
8 minor's scheduled shift in which they can drive.

9 f. Examining the fifty-mile farm work privilege.

10 g. Requiring the certifying school to verify the need for
11 the farm work privilege.

12 h. Allowing a minor to be eligible for a license even if
13 they live less than one mile from their school, if they are
14 employed for farm or nonfarm work.

15 i. Determining a minor's point of origin to drive for work.

16 j. Determining if a minor is permitted to stop for gas in
17 route to or from work.

18 k. Determining if a violation of the work driving
19 privilege is a moving violation, is subject to remedial driver
20 improvement classes, and is subject to other driving sanctions.

21 l. Examining any other issues concerning current or future
22 driving permits regarding persons between fourteen and eighteen
23 years of age.

24 2. The study committee shall consist of six voting members
25 and five ex officio, nonvoting members.

26 a. The voting members of the committee shall consist of
27 three members of the senate, two of whom shall be appointed
28 by the majority leader of the senate and one of whom shall
29 be appointed by the minority leader of the senate, and three
30 members of the house of representatives, two of whom shall be
31 appointed by the speaker of the house of representatives and
32 one of whom shall be appointed by the minority leader of the
33 house of representatives.

34 b. The ex officio, nonvoting members of the committee shall
35 be composed of the following:

1 (1) The director of the department of transportation or the
2 director's designee.
3 (2) The director of the department of education or the
4 director's designee.
5 (3) The director of the department of public safety or the
6 director's designee.
7 (4) The director of the department of workforce development
8 or the director's designee.
9 (5) A representative of the insurance industry selected by
10 the co-chairpersons of the study committee.
11 3. In the event a tiebreaking vote is needed, the five ex
12 officio members shall collectively receive a total of one vote
13 for the purpose of breaking a tie.
14 4. The study committee shall submit a report with its
15 findings and recommendations to the general assembly no later
16 than December 15, 2023.>
17 2. Title page, by striking lines 1 and 2 and inserting
18 <An Act relating to youth employment, providing for a minor
19 driver's license interim study committee, and making penalties
20 applicable.>

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