



**Public Hearing for HB 2515 and HB19  
9-23-10**

**Testimony of Diane Heery, secretary of the Pennsylvania Film and  
Television Industry Association and President of Heery Casting, Inc.**

Good morning, thank you for inviting me to this hearing.

My name is Diane Heery. I am a member of the Board and the Secretary of the PA Film Industry Association, a coalition of over 800 Pennsylvania business owners and individuals that are a part of the growing entertainment and advertising industry here in the state. Since the film tax credit program was established in 2006, the film industry has generated economic activity in local PA communities resulting in over half-a-billion dollars in tax revenue for the state. When movies and television shows are created here, services that are used include: hotels, crew, craft services, electricity, equipment, casting, entertainment, car rentals, restaurants, carpenters, sound stage, film processing, accounting and much more.

Over 150 million dollars have been invested in the film business in Pennsylvania. We are a growing industry, putting real dollars into the pockets of our taxpayers here – not in California or New York or Canada.

The PA Film Industry believes that the employment of minors by the film industry in Pennsylvania should be regulated by the Department of Labor and Industry for the protection of producers, minors and their families. While we think current laws are adequate, we think they can be improved. We would also like to see stronger enforcement of labor laws as they pertain to minors in the film industry.

As President of Heery Casting, Inc., I have been in casting for over 20 years. On average, my office submits 50 child labor applications a month for film, television, and commercial productions in the Philadelphia area.

I have reviewed HB 2515 and HB 19 with members of our association and would offer the following comments:

**HB 2515 Sections 8(b)(7) and HB 19 8(c)(11)**

I don't think there is any debate over exempting minors from the permitting requirement if they are not paid and are participating in a non-profit, educational or theatrical production. However, if any of the crew or cast of a production are being paid, a participating minor should be required to obtain a permit to insure that they are protected.

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HB 2515 Section 8(c)(2)

The limitation on working hours for minors based on age are entirely appropriate. The Screen Actors Guild schedule of ages and hours to allow work have become a national standard. They vary slightly with the schedule in HB 2515. If Pennsylvania were to bring its schedule into line with SAG's it would make compliance easier for production companies.

HB 2515 Sections 8(d) and (d)(4)

The studio teacher is a very necessary and valued person on a set when a child is employed for a long term project.

To require a teacher on set when the child is missing only one day of school can be cost prohibitive to a smaller production company and not particularly beneficial to the child. Also, the proposed new state certification specifically for studio teachers seems unwieldy at best. How would such a process be administered and would we have enough certified teachers available under this provision to supply the needs of all the productions across the state? We think traditionally certified teachers have performed this function well and should continue to be eligible for this work.

HB 2515 Section 8(f), HB 19 Section 8(d)(1)

It is proposed that 15% of the child's earnings be placed in a trust account by the employer. We feel that this requirement needs some adjustment. As I've mentioned previously, my office alone submits an average of 50 applications for permits for minors per month. Of those applications, 75% of them are for a minor earning less than \$500, many of them for only \$50-\$75. A trust for such small amounts makes no sense. We propose an earnings threshold of \$800 – the Screen Actors' Guild minimum for a day player. It is very appropriate for those earnings be placed in a trust. SAG work also has the potential for the receipt of residual fees in the future. But when a child is being paid less than \$800 as an extra, or on a non-union production, the trust requirement is impractical.

Both bills require that the employer deposit 15% of the child's earnings directly into the trust account, but HB 19 requires that the employer establish the trust account for the child. Most states, that have trust fund requirements, and the Screen Actors' Guild make the establishment of a trust fund the parent's responsibility. We also feel this is the correct procedure.



HB 2515 Section 9(g)(3)

A goal of our association is to make Pennsylvania a business friendly place for film production companies while protecting the interests of Pennsylvanians working in the industry. As we have stated, it is entirely appropriate to require minors to obtain permits to work in the film industry. To require film production companies to get a permit to hire permitted minors accomplishes very little in our view, other than adding a burden to doing business in our state.

HB 19 Section 8(c)(6)

An application fee requirement is something our association supports so long as it is used to fund enforcement of the laws and regulations pertaining to minors and the film industry. In setting the amount of the application fee, the Department should recognize that many minors working as extras make the minimum of \$7.25 per hour. The cost of the application should not exceed what the minor is earning.

To put all of this in perspective as you consider these bills, let me tell you about my business. 75% of the work through my office is commercial work. The average commercial casts their talent 2-3 days before shooting. The parents' then must get all of the required signatures for their permit, and with these new requirements, a producer must find a qualified studio teacher, establish trust accounts, get criminal background checks for all of its employees and get a permit for their own production company.

In the Eastern part of Pennsylvania, most producers will choose to cross the river and shoot in New Jersey, or choose to ignore the law and attempt to go "under the radar."

The production companies that currently abide by the regulations are not the problem. Identifying those who ignore the law should be a priority. There are many misconceptions about the current child labor laws. Many times, a new producer comes to me and is surprised that I am requiring them to submit applications for permits. They will tell me that after many years of work in Pennsylvania, no one else has told them it was required or were told to ignore it. There has been no enforcement, no visits to locations where minors are working.

A reasonable regulatory burden and firm enforcement of the rules will allow the film industry to continue to flourish in Pennsylvania.

Thank you.