

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: 06/23/99

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Walter

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Alt. Drafters:

Subject: Trade Regulation

Extra Copies:

**Pre Topic:**

SDC:.....Walter - Caucus #2764,

**Topic:**

Distribution of free newspapers

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rkite 06/23/99	ygeller 06/25/99	hhagen 06/26/99	_____	lrb_docadmin 06/26/99		
			hhagen 06/26/99	_____	lrb_docadmin 06/26/99		
/2	rkite 06/27/99	chanaman 06/27/99	mclark 06/28/99	_____	lrb_docadmin 06/28/99		

FE Sent For:

<END>

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		cm1 4/27	hhagen 06/26/99	_____	lrb_docadmin 06/26/99		
FE Sent For:		g	MRC 6/27	MRC/MBD 6/28			<END>

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1?	rkite	1 6/25 jg		KR/sh 4/20			

FE Sent For:

<END>

SDC

yes:

caucus number 2736

duplicate flag:  
duplicate with: 0721/99

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Add to the Dane County Lake and Watershed Commission a member of the Yahara Lakes Association, appointed by the Dane County Executive.

**other notes**

drafting instructions: See above.

more instructions:

caucus number 2764

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft # 2945	LRB P-draft:

description: Adopt the provisions of LRB 2945 which would prohibit contracts that restrict the free distribution of bona fide newspapers in public places of accommodation.

**other notes**

drafting instructions: See above.

more instructions:

caucus number 3816

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	SB46, Senate Substitute Amendment 1
LRB draft #	LRB P-draft:

description: Disposal of document containing personal information. Sen. Sub amendment 1 to SB 46

**other notes**

drafting instructions: See above.

more instructions:

caucus number 3827

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft # 2984/1	LRB P-draft:

description: LRB 2984/1. Prohibit the inclusion of an individuals social security number on certain documents issued or used by the state.

**other notes**

drafting instructions: Include LRB 2984/1. See above.

more instructions:

CN 2764 +

Adopt the provisions of LRB 2945, which would prohibit contracts that restrict the free distribution of bona fide newspapers in public places of accommodation.

--No fiscal effect

--Drafter is Robin Kite

106.04(1m)(p)1.

1. "**Public** place of accommodation or amusement" shall be interpreted broadly to include, but not be limited to, places of business or recreation; lodging establishments; restaurants; taverns; barber or cosmetologist, aesthetician, electrologist or manicuring establishments; nursing homes; clinics; hospitals; cemeteries; and any place where accommodations, amusement, goods or services are available either free or for a consideration, subject to subd. 2.

Per Doug - 6-4-99 -

will not offer as motion at Jt Finance

Shepards, like Isthmus,  
offer store a fee to be only free  
newspaper in store

Shepard's  
like Isthmus in Milwaukee

Shoppers - made up of ads -

- ① don't cover shoppers -
- ② don't let newspapers like Shepard's offer a fee to a grocery store, for example, to be the only free newspaper distributed in the store
- ③ may need def. of newspaper to exclude

1-18-99  
Per Doug -  
will intro as  
budget amendment:  
- wants def.  
of public  
acct. like Minn.  
- provision  
is void  
if in K - not  
entire K -  
- also - no  
penalties just  
void the provision  
- will get me def. of  
newspaper

**MARK R. ANFINSON**  
Attorney at Law  
Lake Calhoun Professional Building  
3109 Hennepin Avenue South  
Minneapolis, Minnesota 55408  
(612) 827-5611; FAX, (612) 827-3564

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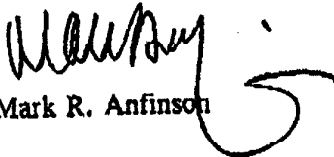
VIA FACSIMILE TO (202) 822-0929

**TO:** Richard Karpel  
**FROM:** Mark Anfinson  
**DATE:** April 6, 1999  
**RE:** Minnesota Statute on Distribution of Free Newspapers

Dear Richard:

Here is a copy of the statute that we talked about this morning (along with the statutory definition of "public accommodation"; the allusion to the meaning of "newspaper" is irrelevant). If I can be of any other help whatsoever, just let me know.

Best regards,

  
Mark R. Anfinson

MN

§ 325E.33

TRADE REGULATIONS, CONSUMER PROTECTION

more than \$100,000, or three times the value offered to the employee... violating this subdivision, whichever is greater.

Subd. 5. Voidability of contract. A contract entered into in violation of subdivision 3 is voidable by the student athlete. If voided by the student athlete, the athletic agent shall return to the student athlete any compensation received under the contract. The athletic agent shall also pay the attorney's fees and costs incurred by a student athlete in any action brought under this subdivision.

Laws 1988, c. 701, § 1, eff. Aug. 1, 1988.

Historical and Statutory Notes

Laws 1988, c. 701, § 2, provides that this section is effective August 1, 1988, and applies to violations committed on or after that date.

Law Review Commentaries

Statutory fee-shifting: new opportunities to enhance client results. Arlo H. Vande Vegte. 15 Minn.T.Law. 3 (Fall 1990).

DISTRIBUTION OF FREE NEWSPAPERS

325E.34. Free newspapers; exclusive right to distribute prohibited

Subdivision 1. Definitions. For the purposes of this section, the terms in paragraphs (a) and (b) have the meanings given them.

(a) "Newspaper" has the meaning given in section 331A.01, subdivision 5.

(b) "Place of public accommodation" has the meaning given in section 363.01, subdivision 33.

Subd. 2. Prohibition. No contract may provide for an exclusive right to display free newspapers for distribution in any place of public accommodation.

Laws 1990, c. 379, § 1, eff. March 30, 1990. Amended by Laws 1990, c. 567, § 10.

Historical and Statutory Notes

Laws 1990, c. 379, § 2 provides that this section is effective March 30, 1990 and applies to contracts entered into or renewed on or after that date. Laws 1990, c. 567, § 10 instructed the revisor to alphabetize definitions in § 363.01 and make appropriate cross-reference changes.

SELLER-FINANCED AGRICULTURAL INPUT SALES

325E.35. Definitions

Subdivision 1. Applicability. The definitions in this section apply to section 325E.36.

Subd. 2. Agricultural chemical. "Agricultural chemical" has the meaning given in section 18D.01, subdivision 3.

REGULATION

Subd. 3. A means crop pr

Subd. 4. Ci tural chemical: tural chemical cultivating. gr products.

Subd. 5. I amount equal sale, discount

Subd. 6. F feeds, drugs, i for feeding liv subdivision 5.

Subd. 7. I published in t

Subd. 8. I feed and labo

Subd. 9. I special fuels petroleum pr and oils.

Subd. 10. crops, includ subdivision 1

Laws 1990, c.

Laws 1990, c § 1, enacting u 1990, and appli

325E.36.

If a perso interest rate must also of price. Agri allow the bt 60 days aft

Laws 1990, c

Laws 1990, § 2, enacting 1990, and app



§ 863.01

MENT OF HUMAN RIGHTS

DEPARTMENT OF HUMAN RIGHTS

who is employed by an employer as a commission salesperson, as one or more employees.

means a person or persons who organization, to procure employees

condition of one or more minor's legal guardian or (b) the written permission of the parent or guardian on the basis of family support of securing legal custody of an

"means a system of providing a prescribed route according to

are persons admitted to practice

ar. "Historic or antiquated rail

transporting individuals;

as of manufacturing rail passenger

persons significant to the past or characteristics of a type of rail that has passed.

in rights investigative data" means for the purpose of investigating and

means any organization that exists

ms or conditions of employment; or

means an agency of a city, county, or of a county board, city charter, or ordinance on the basis of race, color, or status, status with regard to public

whether a person is single, married, and, in employment cases, includes ability, situation, actions, or beliefs of a

the place of birth of an individual or

ans a file containing human rights in resolving the alleged or suspected violator, a hearing officer, or a court, or id but the time for any reconsideration expired or the reconsideration or appeal

Subd. 26a. Operates. "Operates," when used with respect to a demand responsive or fixed route system, includes the operation of the system by a person under a contractual or other arrangement or relationship with a public or private entity.

Subd. 26b. Over-the-road bus. "Over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

Subd. 27. Party in interest. "Party in interest" means the complainant, respondent, commissioner or board member.

Subd. 28. Person. "Person" includes partnership, association, corporation, legal representative, trustee, trustee in bankruptcy, receiver, and the state and its departments, agencies, and political subdivisions.

Subd. 29. Physical access. "Physical access" means (1) the absence of physical obstacles that limit a disabled person's opportunity for full and equal use of or benefit from goods, services, and privileges; or, when necessary, (2) the use of methods to overcome the discriminatory effect of physical obstacles. The methods may include redesign of equipment, assignment of aides, or use of alternate accessible locations.

Subd. 30. Repealed by Laws 1989, c. 280, § 22.

Subd. 30a. Private entity. "Private entity" means an entity other than a public service.

Subd. 31. Program access. "Program access" means (1) the use of auxiliary aids or services to ensure full and equal use of or benefit from goods, services, and privileges; and (2) the absence of criteria or methods of administration that directly, indirectly, or through contractual or other arrangements, have the effect of subjecting qualified disabled persons to discrimination on the basis of disability, or have the effect of defeating or impairing the accomplishment of the objectives of the program.

Subd. 32. Repealed by Laws 1989, c. 280, § 22.

Subd. 33. Public accommodations. "Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

Subd. 34. Public services. "Public service" means any public facility, department, agency, board or commission, owned, operated or managed by or on behalf of the state of Minnesota, or any subdivision thereof, including any county, city, town, township, or independent district in the state.

Subd. 35. Qualified disabled person. "Qualified disabled person" means:

(1) with respect to employment, a disabled person who, with reasonable accommodation, can perform the essential functions required of all applicants for the job in question; and

(2) with respect to public services, a person with a disability who, with or without reasonable modifications to rules, policies, or practices, removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for receipt of services and for participation in programs and activities provided by the public service.

For the purposes of this subdivision, "disability" excludes any condition resulting from alcohol or drug abuse which prevents a person from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others.

If a respondent contends that the person is not a qualified disabled person, the burden is on the respondent to prove that it was reasonable to conclude the disabled person, with reasonable accommodation, could not have met the requirements of the job or that the selected person was demonstrably better able to perform the job.

Subd. 35a. Rail passenger car. "Rail passenger car" means, with respect to intercity or commuter rail transportation, single- and bi-level coach cars, dining cars, sleeping cars, lounge cars, restroom cars, and food service cars.

Subd. 36. Real estate broker or salesperson. "Real estate broker or salesperson" means, respectively, a real estate broker as defined by section 82.17, subdivision 4, and a real estate salesperson as defined by section 82.17, subdivision 5.

*actual v. service  
grocery  
supermarkets*

## Kite, Robin

---

**From:** Burnett, Douglas  
**Sent:** Friday, June 18, 1999 1:10 PM  
**To:** Kite, Robin  
**Subject:** FW: Minnesota definition

Apparently the minnesota law os very broad-the definition is below. So I think we may as well include shoppers at this point, and then narrow it later if need be. Since we're only forbidding exclusive cotracts and not forcing anyone to take these, it should not get us into too much trouble. Thanks Robin.

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

**From:** Micklos, Christopher  
**Sent:** Friday, June 18, 1999 1:00 PM  
**To:** Burnett, Douglas  
**Subject:** Minnesota definition

331A.01

Subd. 5. **Newspaper.** "Newspaper" means a publication issued regularly by the same person or corporation, or a successor, whether the name of the publication is the same or different.

6-18-99

Called Doug -

Told him that this definition is so broad as to possibly include magazines etc. He said that this is OK because the prohibition just concerns "free" publications



(SOM)  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1117/1  
RNK.....

D-Note

JLg

SDC:.....Walter – Caucus #2764, Distribution of free newspapers

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1139, line 11: after that line insert:

3 "SECTION 2167m. 134.48 of the statutes is created to read:

4 134.48 Contracts for the display of free newspapers. (1) DEFINITIONS

5 In this section:

6 (a) "Newspaper" means a publication that is printed on newsprint and that is  
7 published, printed and distributed periodically at daily, weekly or other short  
8 intervals for the dissemination of current news and information of a general  
9 character and of a general interest to the public.

1 (b) "Place of public accommodation" means a business, accommodation,  
2 refreshment, entertainment, recreation or transportation facility where goods,  
3 services, facilities, privileges, advantages or accommodations are offered, sold or  
4 otherwise made available to the public.

5 (2) A contract for the display of a newspaper<sup>✓</sup> that is distributed free of charge  
6 to the public in a place of public accommodation may not give the person displaying  
7 the newspaper for distribution an exclusive right to display and distribute it. A  
8 provision in a contract that violates this<sup>✓</sup> subsection is<sup>✓</sup> unenforceable<sup>✓</sup>".

9 (END)

but does not  
affect the  
enforceability of the  
remaining provisions  
of the contract

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb1117/1dn

RNK...:...

JK

This draft is based on instructions received in connection with LRB-2945. Those instructions included a definition for "newspaper" under Minnesota law. That definition is very vague and difficult to follow. Consequently, in keeping with my understanding of what was intended under the instructions for LRB-2945, I have created a different definition for "newspaper". I have also slightly modified the definition of "public accommodation" from that which appears in Minnesota law. Please look at both of these definitions very closely to ensure that they are consistent with the intent of the drafting instructions for this draft.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: Robin.Kite@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb1117/1dn  
RNK:jl:gksh

June 26, 1999

This draft is based on instructions received in connection with LRB-2945. Those instructions included a definition for "newspaper" under Minnesota law. That definition is very vague and difficult to follow. Consequently, in keeping with my understanding of what was intended under the instructions for LRB-2945, I have created a different definition for "newspaper". I have also slightly modified the definition of "public accommodation" from that which appears in Minnesota law. Please look at both of these definitions very closely to ensure that they are consistent with the intent of the drafting instructions for this draft.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: Robin.Kite@legis.state.wi.us

6-27-97  
Per Doug Burnett -

make clear that K cannot prohibit  
person distributing free newspaper  
from distributing other free newspapers -

Also <sup>add</sup> ~~final~~ app - OK  
make it apply to K entered into  
or renewed on app date



State of Wisconsin  
1999 - 2000 LEGISLATURE

RMR  
LRBb111713 2  
RNK:jlg:ksh

e  
i  
cm7

SDC:.....Walter – Caucus #2764, Distribution of free newspapers

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS AMENDMENT**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 1999 ASSEMBLY BILL 133**

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1139, line 11: after that line insert:

3 “SECTION 2167m. 134.48 of the statutes is created to read:

4 **134.48 Contracts for the display of free newspapers. (1) In this section:**

5 (a) “Newspaper” means a publication that is printed on newsprint and that is  
6 published, printed and distributed periodically at daily, weekly or other short  
7 intervals for the dissemination of current news and information of a general  
8 character and of a general interest to the public.

9 (b) “Place of public accommodation” means a business, accommodation,  
10 refreshment, entertainment, recreation or transportation facility where goods,



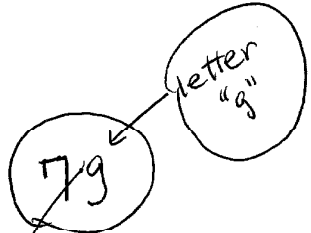
1 services, facilities, privileges, advantages or accommodations are offered, sold or  
2 otherwise made available to the public.

3 (2) A contract for the display of a newspaper that is distributed free of charge  
4 to the public in a place of public accommodation may not ~~prohibit the~~ <sup>prohibit the</sup> person displaying  
5 the newspaper for distribution ~~an exclusive right to display and distribute~~ <sup>an exclusive right to display and distribute</sup>. A  
6 provision in a contract that violates this subsection is unenforceable, but does not  
7 affect the enforceability of the remaining provisions of the contract.”

read  
not  
in  
draft

8 (END)

from displaying any  
other newspaper  
that is distributed  
free of charge to the  
public



#. Page 1604, line 25; after that line insert:

“( ~~g~~ ) <sup>(c)</sup> DISTRIBUTION OF FREE NEWSPAPERS. The treatment  
of section 134.48 of the statutes first applies to  
contracts entered into or renewed on the  
effective date of this subsection.”

Initial  
APP



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1117/2  
RNK:jlg&cmh:mrc

SDC:.....Walter – Caucus #2764, Distribution of free newspapers

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS AMENDMENT**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 1999 ASSEMBLY BILL 133**

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1139, line 11: after that line insert:

3 “SECTION 2167m. 134.48 of the statutes is created to read:

4 **134.48 Contracts for the display of free newspapers. (1) DEFINITIONS.**

5 In this section:

6 (a) “Newspaper” means a publication that is printed on newsprint and that is  
7 published, printed and distributed periodically at daily, weekly or other short  
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1 (b) "Place of public accommodation" means a business, accommodation,  
2 refreshment, entertainment, recreation or transportation facility where goods,  
3 services, facilities, privileges, advantages or accommodations are offered, sold or  
4 otherwise made available to the public.

5 (2) A contract for the display of a newspaper that is distributed free of charge  
6 to the public in a place of public accommodation may not prohibit the person  
7 displaying the newspaper for distribution from displaying any other newspaper that  
8 is distributed free of charge to the public. A provision in a contract that violates this  
9 subsection is unenforceable, but does not affect the enforceability of the remaining  
10 provisions of the contract."

11 **2.** Page 1604, line 25: after that line insert:

12 "(7g) DISTRIBUTION OF FREE NEWSPAPERS. The treatment of section 134.48 of the  
13 statutes first applies to contracts entered into or renewed on the effective date of this  
14 subsection."

15 (END)