

1999 DRAFTING REQUEST**Bill**Received: **12/9/98**Received By: **malaigm**Wanted: **As time permits**

Identical to LRB:

For: **Thomas Ourada (608) 266-7694**By/Representing: **Lonnie**This file may be shown to any legislator: **NO**Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Employ Priv - child labor**

Extra Copies:

Topic:

Employment of 11-year-olds in the sale or distribution of newspapers and shoppers guides

Instructions:

Redraft 1997 AB 172 with a0730/1

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>
/?	malaigm 12/9/98	chanaman 12/21/98		_____			
/1			jfrantze 12/21/98	_____	lrb_docadmin 12/21/98	lrb_docadmin 01/5/99	

FE Sent For:

Not Needed

<END>

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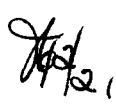
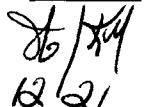
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/?	malaigm 12/9/98	chanaman 12/21/98	lrb_wpo	_____			

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1999 DRAFTING REQUEST

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STET

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1?	malaigm	cmH 12/10 /1 1-12-20kg		_____			

FE Sent For:

<END>

1216/1
cmh/kg

W.P.O.
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Topic Line of
cover sheet

1997 ASSEMBLY BILL 172

March 11, 1997 - Introduced by Representatives OURADA, GARD, SERATTI, RYBA, HANDRICK, ZIEGELBAUER, BOCK, F. LASEE, HAHN, OWENS, KAUFERT, POWERS and GRONEMUS, cosponsored by Senators WIRCH and SCHULTZ. Referred to Committee on Small Business and Economic Development.

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AN ACT *to renumber* 103.23 (2); *to renumber and amend* 103.71 (2) (a); *to amend* 103.67 (2) (c) and 103.71 (2) (b) (intro.); and *to create* 103.23 (2) (b) and 103.71 (2) (a) 2. of the statutes; relating to: employment of minors 11 years of age in the sale or distribution of newspapers.

regen cont.

or shopper's guides

Regenerate

workforce

the minor

DWD

(DWD)

Analysis by the Legislative Reference Bureau

Under current law, a minor may be employed in a street trade such as the sale or distribution of newspapers or magazines only if he or she is at least 12 years of age, except that a minor under 12 years of age may work in fund-raising sales for a nonprofit organization, a public school or a private school. To be employed in a street trade, a minor must obtain an identification card and the minor's employer must obtain a permit from the department of industry, labor and job development (~~DILJE~~) or from a local permit officer designated by ~~DILJE~~. A minor may be employed only during certain hours designated by ~~DILJE~~ so that the minor's employment does not interfere with school attendance.

This bill permits a minor who is at least 11 years of age to be employed in the sale or distribution of newspapers if the usual permit procedure is followed. Work in street trades other than newspaper sales or distribution and fund-raising sales remains limited to those minors who are at least 12 years of age.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

or shopper's guide

ASSEMBLY BILL 172

SECTION 1

Insert
2-1

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SECTION 1. 103.23 (2) of the statutes is renumbered 103.23 (2) (a).

2

SECTION 2. 103.23 (2) (b) of the statutes is created to read:

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103.23 (2) (b) A minor who is 11 years of age or over may be employed or permitted to work in the sale or distribution of newspapers or shopper's guides

Insert
2-4

5

SECTION 3. 103.67 (2) (c) of the statutes is amended to read:

or shopper's guides

6

103.67 (2) (c) Minors 11 years of age or older may be employed in the sale or distribution of newspapers, minors 12 years of age or older may be employed in other street trades, and any minor may work in fund-raising sales for nonprofit organizations, public schools or private schools, as provided in ss. 103.21 to 103.31.

proof w/ stats

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SECTION 4. 103.71 (2) (a) of the statutes is renumbered 103.71 (2) (a) (intro.)

and amended to read:

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103.71 (2) (a) (intro.) The employment of minors 11 to 13 years of age as follows:

12

1. As ball monitors at high school football games as provided in s. 103.67 (2) (i).

13

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SECTION 5. 103.71 (2) (a) 2. of the statutes is created to read:

or shopper's guides

15

103.71 (2) (a) 2. In the sale or distribution of newspapers as provided in s. 103.67 (2) (c).

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SECTION 6. 103.71 (2) (b) (intro.) of the statutes is amended to read:

18

103.71 (2) (b) (intro.) The employment of minors 12 years of age and over as follows:

proof w/ stats
Insert
2-19

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(END)

Insert 2-1

**ASSEMBLY AMENDMENT,
TO 1997 ASSEMBLY BILL 172**

“employee”;

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At the locations indicated, amend the bill as follows:

1. Page 1, line 4: after “newspapers” insert “or shopper’s guides”.
2. Page 2, line 1: delete that line and substitute:

SECTION ~~1d.~~ 103.21 (1) of the statutes is amended to read:

103.21 (1) Every minor selling or distributing newspapers, shopper’s guides or magazines on any street or other public place, or from house to house, is in an “employment” and an “employee,” and each independent news agency or in the absence of all such agencies, ² each selling agency of a publisher or ² in the absence of all such agencies, ² each publisher, whose newspapers, shopper’s guides or magazines the minor sells or distributes, is an “employer” of the minor. Every minor engaged in any other street trade is in an “employment” and an “employee,” and each person furnishing the minor articles for sale or distribution or regularly furnishing the minor material for blacking boots is the minor’s “employer”.

(last time)
or, in

plain space

“employee”;

proof w/ photo

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Insert 2-1

WPO: Show ALL SECS.

SECTION 1g. 103.21 (1v) of the statutes is created to read:

103.21 (1v) "Newspaper" means a publication that is printed and distributed at daily, weekly or other short, periodic intervals for the dissemination of current news and information of a general character and of a general interest to the public.

SECTION 1m. 103.21 (5r) of the statutes is created to read:

103.21 (5r) "Shopper's guide" has the meaning given in s. 77.54 (15).

SECTION 1p. 103.21 (6) of the statutes is amended to read:

103.21 (6) "Street trade" means the selling, offering for sale, soliciting for, collecting for, displaying or distributing any articles, goods, merchandise, commercial service, posters, circulars, newspapers, shopper's guides or magazines, or the blacking of boots, on any street or other public place or from house to house.

~~SECTION 1r. 103.23 (2) of the statutes is renumbered 103.23 (2) (a)~~

~~3. Page 2, line 4: after "newspapers" insert "or shopper's guides".~~

~~4. Page 2, line 5: before that line insert:~~

~~"SECTION 2d. 103.25 (3m) (c) of the statutes is amended to read:~~

~~103.25 (3m) (c) This subsection does not apply to employment of a minor by a newspaper or shopper's guide publisher or in a fund-raising sale for a nonprofit organization, a public school or a private school.~~

~~SECTION 2g. 103.275 (8) of the statutes is amended to read:~~

~~103.275 (8) EXCEPTION. This section does not apply to the employment of a minor by a newspaper or shopper's guide publisher or in a fund-raising sale for a nonprofit organization, a public school or a private school.~~

~~SECTION 2m. 103.30 of the statutes is amended to read:~~

(end of insert)

Prop w/ Stat

-2
Insert 2-4

SECTION 1g. 103.21 (1v) of the statutes is created to read:

103.21 (1v) "Newspaper" means a publication that is printed and distributed at daily, weekly or other short, periodic intervals, for the dissemination of current news and information of a general character and of a general interest to the public.

SECTION 1m. 103.21 (5r) of the statutes is created to read:

103.21 (5r) "Shopper's guide" has the meaning given in s. 77.54 (15).

SECTION 1p. 103.21 (6) of the statutes is amended to read:

103.21 (6) "Street trade" means the selling, offering for sale, soliciting for, collecting for, displaying or distributing any articles, goods, merchandise, commercial service, posters, circulars, newspapers, shopper's guides or magazines, or the blacking of boots, on any street or other public place or from house to house.

SECTION 1r. 103.23 (2) of the statutes is renumbered 103.23 (2) (a)."

3. Page 2, line 4: after "newspapers" insert "or shopper's guides".

4. Page 2, line 5: before that line insert:

SECTION 2d. 103.25 (3m) (c) of the statutes is amended to read:

103.25 (3m) (c) This subsection does not apply to employment of a minor by a newspaper or shopper's guide publisher or in a fund-raising sale for a nonprofit organization, a public school or a private school.

SECTION 2g. 103.275 (8) of the statutes is amended to read:

103.275 (8) EXCEPTION. This section does not apply to the employment of a minor by a newspaper or shopper's guide publisher or in a fund-raising sale for a nonprofit organization, a public school or a private school.

SECTION 2m. 103.30 of the statutes is amended to read:

Handwritten notes in left margin with circled numbers 15, 17, 21, 23.

Handwritten mark at the bottom right of the page.

Insert 2-41 cont

Proof of photo

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103.30 (v) ~~Penalty on newspapers and shopper's guides for allowing minors to loiter around premises.~~ A newspaper or shopper's guide publisher or printer or person having for sale or distribution newspapers, ~~or~~ shopper's guides or magazines ~~shall~~ may not permit any minor under 18 years of age to loiter or remain around any premises where the newspapers, shopper's guides or magazines are printed, assembled, prepared for sale or distribution, distributed or sold when the minor is required under s. 118.15 to attend school. Any person violating this section is subject to the penalties specified in s. 103.29.

SECTION 2r. 103.64 (1v) of the statutes is created to read:

103.64 (1v) "Newspaper" means a publication that is printed and distributed at daily, weekly or other short, periodic intervals for the dissemination of current news and information of a general character and of a general interest to the public.

SECTION 2v. 103.64 (6) of the statutes is created to read:

103.64 (6) "Shopper's guide" has the meaning given in s. 77.54 (15). ~~~~~

~~5. Page 2, line 7: after "newspapers" insert "or shopper's guides".~~

~~6. Page 2, line 15: after "newspapers" insert "or shopper's guides".~~

~~7. Page 2, line 19: after that line insert:~~

~~"SECTION 6r. 103.81 (1) of the statutes is amended to read:~~

~~103.81 (1) During the term that the public schools are in session, a person shall~~

~~not no person may advertise or cause or permit any advertisement to be published~~

~~in any newspaper or shopper's guide for the labor or services of any minor during~~

~~school hours in any employment for which a child labor permit is required under s.~~

OK end of insert

- 3 -
Insert 2-19

1 ~~103.30 (title) Penalty on newspapers and shopper's guides for allowing~~
 2 ~~minors to loiter around premises. A newspaper or shopper's guide publisher or~~
 3 ~~printer or person having for sale or distribution newspapers, or shopper's guides or~~
 4 ~~magazines shall may not permit any minor under 18 years of age to loiter or remain~~
 5 ~~around any premises where the newspapers, shopper's guides or magazines are~~
 6 ~~printed, assembled, prepared for sale or distribution, distributed or sold when the~~
 7 ~~minor is required under s. 118.15 to attend school. Any person violating this section~~
 8 ~~is subject to the penalties specified in s. 103.29.~~

9 SECTION 2r. 103.64 (1v) of the statutes is created to read:

10 103.64 (1v) "Newspaper" means a publication that is printed and distributed
 11 at daily, weekly or other short, periodic intervals, for the dissemination of current
 12 news and information of a general character and of a general interest to the public.

13 SECTION 2v. 103.64 (6) of the statutes is created to read:

14 103.64 (6) "Shopper's guide" has the meaning given in s. 77.54 (15).".

15 5. Page 2, line 7: after "newspapers" insert "or shopper's guides".

16 6. Page 2, line 15: after "newspapers" insert "or shopper's guides".

17 ~~7. Page 2, line 19: after that line insert:~~

18 "SECTION 6r. 103.81 (1) of the statutes is amended to read:

19 103.81 (1) During the term that the public schools are in session, ~~a person shall~~
 20 ~~not~~ no person may advertise or cause or permit any advertisement to be published
 21 in any newspaper ^{or} shopper's guide for the labor or services of any minor during
 22 school hours in any employment for which a child labor permit is required under s.

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Insert 2-19

1 103.70 which does not specifically state the minimum age of the minor whose services
2 are desired, which age must be 18 years or over.

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~~END~~

(end, not)

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**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 12/21/98

To: Representative Ourada

Relating to LRB drafting number: LRB-1216

Topic

Employment of 11-year-olds in the sale or distribution of newspapers and shoppers guides

Subject(s)

Employ Priv - child labor

1. **JACKET** the draft for introduction Thomas Ourada
in the **Senate** ___ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Gordon M. Malaise, Senior Legislative Attorney
Telephone: (608) 266-9738

