

2019 DRAFTING REQUEST

Bill

For: Chris Kapenga (608) 266-9174 Drafter: agary
 By: kyle Secondary Drafters:
 Date: 2/13/2019 May Contact:

Same as LRB: -2727

Submit via email: YES
 Requester's email: Sen.Kapenga@legis.wisconsin.gov
 Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Allowing municipal governing body to delegate authority to issue an operator's license to a municipal official

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 3/5/2019				
/P1	agary 4/10/2019	ccarmich 4/10/2019	mbarman 3/25/2019		
/1			mbarman 4/10/2019	mbarman 4/10/2019	

FE Sent For: <END>

↳ Not Needed

Gary, Aaron

From: Koenen, Kyle
Sent: Wednesday, February 13, 2019 1:45 PM
To: Gary, Aaron
Subject: Drafting Request

Aaron,

We would like to draft legislation in 125.17 that would allow a municipal governing body to pass an ordinance that would delegate the issuance of an operator's license to a municipal official (such as an administrator or clerk). This would be entirely permissive and up to a municipal governing body to implement. Let me know if you have any questions.

Regards,

Kyle Koenen

Chief of Staff

Office of Senator Chris Kapenga

Office: (608)266-9174

Mobile: (262)939-7093



State of Wisconsin
2019 - 2020 LEGISLATURE

wanted
wed.
3/6

LRB-2011/P1
ARG.:cdc

in 3/5

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SK
X-ref
SK

gc

1 **AN ACT** ...; **relating to:** issuance by municipalities of alcohol beverage operator's
2 licenses.

Analysis by the Legislative Reference Bureau

This bill allows a municipal governing body to delegate authority to issue operator's licenses (commonly referred to as "bartender's licenses") to a designated municipal official.

Under current law, a municipal governing body must issue an operator's license to a qualified applicant. Although a person is not required to hold an operator's license to provide alcohol beverages on retail licensed premises, a retail licensee may not be open for business unless the licensee, the designated agent of a corporate licensee, or a person who possesses an operator's license or manager's license is present and responsible for the acts of all persons providing alcohol beverages on the premises.

This bill allows the governing body of a municipality, by ordinance, to authorize a designated municipal official to issue operator's licenses.

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

3 **SECTION 1.** 125.17 (1) of the statutes is amended to read:
4 125.17 (1) **AUTHORIZATION.** Every municipal governing body shall issue an
5 operator's license to any applicant who is qualified under s. 125.04 (5), except that

1 the municipal governing body may by ordinance authorize a designated municipal
2 official to issue operator's licenses. Operators' licenses may not be required other
3 than for the purpose of complying with ss. 125.32 (2) and 125.68 (2) or s. 125.06 (3g).
4 Operators' licenses may be issued only upon written application.

~~History:~~ 1981 c. 79, 170; 1983 a. 263; 1989 a. 253; 1991 a. 39, 269; 1993 a. 259, 399, 491; 1995 a. 27 s. 9154 (1); 1997 a. 27; 2001 a. 16; 2003 a. 245; 2011 a. 179; 2015 a. 62; 2017 a. 59.

5 **SECTION 2.** 125.17 (4) (intro.) of the statutes is amended to read:

6 125.17 (4) TEMPORARY LICENSE. (intro.) Any municipal governing body or
7 designated municipal official may issue a temporary operator's license under the
8 terms of subs. (1) to (3), except that:

~~History:~~ 1981 c. 79, 170; 1983 a. 263; 1989 a. 253; 1991 a. 39, 269; 1993 a. 259, 399, 491; 1995 a. 27 s. 9154 (1); 1997 a. 27; 2001 a. 16; 2003 a. 245; 2011 a. 179; 2015 a. 62; 2017 a. 59.

9 **SECTION 3.** 125.17 (5) (b) of the statutes is amended to read:

10 125.17 (5) (b) A provisional license may be issued only to a person who has
11 applied for an operator's license under sub. (1). A provisional license may not be
12 issued to any person who has been denied a license under sub. (1) by the municipal
13 governing body or designated municipal official.

~~History:~~ 1981 c. 79, 170; 1983 a. 263; 1989 a. 253; 1991 a. 39, 269; 1993 a. 259, 399, 491; 1995 a. 27 s. 9154 (1); 1997 a. 27; 2001 a. 16; 2003 a. 245; 2011 a. 179; 2015 a. 62; 2017 a. 59.

14 **SECTION 4.** 125.17 (6) (a) (intro.) of the statutes is amended to read:

15 125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing
16 body or designated municipal official may issue an operator's license unless the
17 applicant has successfully completed a responsible beverage server training course
18 at any location that is offered by a technical college district and that conforms to
19 curriculum guidelines specified by the technical college system board or a
20 comparable training course, which may include computer-based training and
21 testing, that is approved by the department or the department of safety and

1 professional services, or unless the applicant fulfills one of the following
2 requirements:

~~History:~~ 1981 c. 79, 170; 1983 a. 263; 1989 a. 253; 1991 a. 39, 269; 1993 a. 259, 399, 491; 1995 a. 27 s. 9154 (1); 1997 a. 27; 2001 a. 16; 2003 a. 245; 2011 a. 179; 2015 a. 62; 2017 a. 59.

3 **SECTION 5.** 125.17 (6) (b) of the statutes is amended to read:

4 125.17 (6) (b) A municipal governing body or designated municipal official shall
5 issue a provisional operator's license to a person who is enrolled in a training course
6 under par. (a) and who meets the standards established by the municipality by
7 ordinance, if any. The municipal governing body shall revoke that license if the
8 applicant fails successfully to complete the course in which he or she enrolls.

~~History:~~ 1981 c. 79, 170; 1983 a. 263; 1989 a. 253; 1991 a. 39, 269; 1993 a. 259, 399, 491; 1995 a. 27 s. 9154 (1); 1997 a. 27; 2001 a. 16; 2003 a. 245; 2011 a. 179; 2015 a. 62; 2017 a. 59.

9

(END)

Gary, Aaron

From: Koenen, Kyle
Sent: Wednesday, April 10, 2019 9:35 AM
To: Gary, Aaron
Cc: Austinson, Mark
Subject: Drafting Request

Importance: High

Aaron,

We would like to get LRB-2011/p1 turned over to a /1 and jacketed for introduction. Also Representative Knodl's office will be introducing an Assembly companion for the bill and will likely need a companion drafted. I have CC'd Mark from his office.

Kyle Koenen

Chief of Staff

Office of Senator Chris Kapenga

Office: (608)266-9174

Mobile: (262)939-7093



Today

m
4/10

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

1 AN ACT *to amend* 125.17 (1), 125.17 (4) (intro.), 125.17 (5) (b), 125.17 (6) (a)
2 (intro.) and 125.17 (6) (b) of the statutes; **relating to:** issuance by
3 municipalities of alcohol beverage operator's licenses.

Analysis by the Legislative Reference Bureau

This bill allows a municipal governing body to delegate authority to issue operator's licenses (commonly referred to as "bartender's licenses") to a designated municipal official.

Under current law, a municipal governing body must issue an operator's license to a qualified applicant. Although a person is not required to hold an operator's license to provide alcohol beverages on retail licensed premises, a retail licensee may not be open for business unless the licensee, the designated agent of a corporate licensee, or a person who possesses an operator's license or manager's license is present and responsible for the acts of all persons providing alcohol beverages on the premises.

This bill allows the governing body of a municipality, by ordinance, to authorize a designated municipal official to issue operator's licenses.

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

4 SECTION 1. 125.17 (1) of the statutes is amended to read:

Barman, Mike

From: LRB.Legal
To: Sen.Kapenga
Subject: Draft review: LRB -2011/1
Attachments: 19-2011/1

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Aaron R. Gary, Senior Legislative Attorney, at (608) 504-5850, at aaron.gary@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will jacket this draft for introduction in the Senate.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.