

1999 DRAFTING REQUEST

Bill

Received: **01/22/99**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Tony Staskunas (608) 266-0620**

By/Representing: **Mike TeRonde**

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Beverages - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Revoke liquor license for drug offenses

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>
/?	nilsepe 03/8/99	ygeller 03/8/99		_____			
/1		ygeller 04/12/99	hhagen 03/10/99	_____	lrb_docadmin 03/10/99		
/2			martykr 04/14/99	_____	lrb_docadmin 04/14/99	lrb_docadmin 04/21/99	

FE Sent For:

<END>

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1?	nilsepe	1 3/8 jcg	1 3/10	1 3/10			

FE Sent For:

<END>

DEC 14 1998

- 1954



CITY OF WEST AL WISCONSIN

MAYOR'S OFFICE

Paul -

RSD BRACKETED
MATERIAL IS WHAT
I SPOKE TO YOU
ABOUT

consin
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icipal
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ELL

December 11, 1998

Mile

Rep. Staskunas' of.
6-0670

State Representative Anthony Staskunas
P. O. Box 8953
Madison WI 53708

Dear Representative Staskunas:

There are a few issues from the last legislative session that we would like to call to your attention. We would appreciate your review and follow up on the following items for the upcoming session.

1. **Indemnification of Public Employees.** This matter was called to your attention in City Attorney Mike Sachen's July 23, 1997 letter to you. A copy of that letter is enclosed for your reference.
2. **Tavern License Revocations: Drug Dealing.** Wis. Stats. Sec. 125.12(2)(ag)5 should be drastically modified or repealed. In essence, that provision provides protection for drug dealing tavern owners in that it requires that they be convicted of a felony before the drug dealing can be used as a basis for revocation or suspension of their tavern license. No other offense requires such a standard. Rather, it is up to the administrative agency (the Common Council or Licensing Committee) to decide whether the violation has occurred and whether it is substantially related to the licensed activity. The way the statute is currently written, a drug dealing tavern owner can enter a plea to a reduced charge of simple possession and avoid any consequences to his or her tavern license by operation of the statute. This would be so even though the municipality would be able to prove that the tavern owner did indeed engage in the delivering or manufacturing of a controlled substance.
3. **Police Canine Unit: Biting in the Line of Duty.** Amend Wis. Stats. Sec. 174.02 to exempt from the double damage and attorneys fees provision of the dog bite statute any canine unit used by a law enforcement agency. Given the fact that these dogs are trained to bite and bite as part of their duties, a plaintiff would be easily able to prove that the dog had bitten on a prior occasion and that the City knew of it. However, given the fact that the dog biting a suspect is one of its functions, there should be an exemption for double damages

100

State Representative Anthony Staskunas

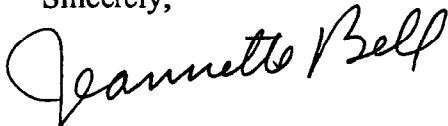
December 11, 1998

Page 2

and attorneys fees. In addition, the provisions of Section 174.02 that provide for the killing of a dog after two known bites that cause serious injury should also provide for an exemption for a law enforcement canine unit. The same rationale that applies to biting would apply to this latter situation.

We appreciate your assistance and anything you can do to further this legislation on our behalf. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jeannette Bell". The signature is written in black ink and is positioned above the typed name.

Jeannette Bell,
Mayor

JB:JFW

Attachment

MYR\CORR\STASKLEG LTR





State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1954/24
PEN.....

Handwritten initials and a circled number '11'.

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

gen cat

1 AN ACT ...; relating to: revocations, suspensions and refusals to issue or renew
2 a license or permit relating to alcohol beverages.

Analysis by the Legislative Reference Bureau

(DOR)

Under current law, a municipality or the department of revenue generally may revoke, suspend or refuse to issue or renew any license or permit to manufacture, brew, distribute or sell alcohol beverages if the licensee or permittee is not qualified to hold the license or permit, violates this state's laws regulating alcohol beverages or commits specified offenses. One specified offense for which an alcohol beverage license or permit may be revoked is a felony conviction of the licensee or permittee for unlawfully possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog or of unlawfully manufacturing, distributing or delivering a controlled substance or controlled substance analog.

state's

This bill expands the offenses involving controlled substances or controlled substance analogs that may be considered by a municipality or the department of revenue considering to revoke, suspend or refuse to issue or renew an alcohol beverage license or permit. Under the bill, any conviction for a violation of this state's uniform controlled substances act, or any conviction under a substantially similar federal law or law of another state, may be considered in an action to revoke, suspend or refuse to issue or renew an alcohol beverage license or permit.

for a violation of

DOR

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

1 **SECTION 1.** 125.12 (2) (ag) 5. of the statutes is amended to read:

2 125.12 (2) (ag) 5. The person has been convicted of ~~manufacturing, distributing~~
3 ~~or delivering a controlled substance or controlled substance analog under s. 961.41~~
4 ~~(1); of possessing, with intent to manufacture, distribute or deliver, a controlled~~
5 ~~substance or controlled substance analog under s. 961.41 (1m); or of possessing, with~~
6 ~~intent to manufacture, distribute or deliver, or of manufacturing, distributing or~~
7 ~~delivering a controlled substance or controlled substance analog~~ a violation under
8 ch. 961 or under a substantially similar federal law or a substantially similar law of
9 another state.

10 History: 1981 c. 79, 1983 a. 516; 1987 a. 93; 1993 a. 98; 1995 a. 27 s. 9126 (19); 1995 a. 417, 448; 1997 a. 27, 35, 166, 187.

10 **SECTION 2.** 125.12 (4) (ag) 7. of the statutes is amended to read:

11 125.12 (4) (ag) 7. That the licensee has been convicted of ~~manufacturing,~~
12 ~~distributing or delivering a controlled substance or controlled substance analog~~
13 ~~under s. 961.41 (1); of possessing, with intent to manufacture, distribute or deliver,~~
14 ~~a controlled substance or controlled substance analog under s. 961.41 (1m); or of~~
15 ~~possessing, with intent to manufacture, distribute or deliver, or of manufacturing,~~
16 ~~distributing or delivering a controlled substance or controlled substance analog~~ a
17 violation under ch. 961 or under a substantially similar federal law or a substantially
18 similar law of another state.

19 History: 1981 c. 79; 1983 a. 516; 1987 a. 93; 1993 a. 98; 1995 a. 27 s. 9126 (19); 1995 a. 417, 448; 1997 a. 27, 35, 166, 187

(END)

100

Nilsen, Paul

From: Ramirez, Adrienne
Sent: Wednesday, April 07, 1999 2:53 PM
To: Nilsen, Paul
Subject: LRB-1954

Paul -

You drafted LRB-1954 for Rep. Staskunas. Unfortunately the Representative has the draft and the LRB cover sheet, so I am requesting a change to the LRB through this correspondence. **On line 2 under Section 1, change the word convicted to "committed". Under Section 2 line 11, change the word convicted to "committed".**

Additionally, the Representative believes that the analysis might need to be changed. With the change of this word, the key part of this bill is that the standard to revoke a tavern license from a drug dealer has been lowered substantially. A city may no longer only revoke a license if there has been a conviction. Now, a city may revoke a tavern license of a drug dealer if they can prove that the offense was committed, rather than being based upon a conviction.

To be convicted of a felony of drug dealing, the District Attorney must meet the highest level of proof possible. A City Licensing Committee, reviewing a tavern license revocation, must meet a substantially lower burden of proof in showing that the individual has committed the infraction, rather than convicted of it. Therefore, under this bill, a conviction is no longer necessary to revoke a tavern license for drug dealing.

Thank you for your assistance.

Adrienne Ramirez
Office of Rep. Staskunas
6-0620

Nilsen, Paul

From: Ramirez, Adrienne
Sent: Wednesday, April 07, 1999 2:53 PM
To: Nilsen, Paul
Subject: LRB-1954

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Thank you for your assistance.

Adrienne Ramirez
Office of Rep. Staskunas
6-0620



State of Wisconsin
1999 - 2000 LEGISLATURE

Noted

LRB-1954/1
PEN:jlg:hmh

12

1999 BILL

Regen

1 AN ACT to amend 125.12 (2) (ag) 5. and 125.12 (4) (ag) 7. of the statutes; relating
2 to: revocations, suspensions and refusals to issue or renew a license or permit
3 relating to alcohol beverages.

Analysis by the Legislative Reference Bureau

Under current law, a municipality or the department of revenue (DOR) generally may revoke, suspend or refuse to issue or renew any license or permit to manufacture, brew, distribute or sell alcohol beverages if the licensee or permittee is not qualified to hold the license or permit, violates this state's laws regulating alcohol beverages or commits specified offenses. One specified offense for which an alcohol beverage license or permit may be revoked is a felony conviction of the licensee or permittee for unlawfully possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog or of unlawfully manufacturing, distributing or delivering a controlled substance or controlled substance analog.

This bill expands the offenses involving controlled substances or controlled substance analogs that may be considered by a municipality or DOR considering to revoke, suspend or refuse to issue or renew an alcohol beverage license or permit. Under the bill, any conviction for a violation of this state's uniform controlled substances act, or ~~any violation of~~ a substantially similar federal law or law of

allegation that a license or permit holder has violated

BILL

even if there has been
no conviction for the
alleged violation

another state, may be considered in an action to revoke, suspend or refuse to issue or renew an alcohol beverage license or permit.

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

1 **SECTION 1.** 125.12 (2) (ag) 5. of the statutes is amended to read:

2

125.12 (2) (ag) 5. The person has ~~been convicted of manufacturing, distributing~~
or delivering a controlled substance or controlled substance analog under s. 961.41
(1); of possessing, with intent to manufacture, distribute or deliver, a controlled
substance or controlled substance analog under s. 961.41 (1m); or of possessing, with
intent to manufacture, distribute or deliver, or of manufacturing, distributing or
delivering a controlled substance or controlled substance analog ~~in violation of ch.~~
961 or ~~under~~ a substantially similar federal law or a substantially similar law of
another state.

7

8

10 **SECTION 2.** 125.12 (4) (ag) 7. of the statutes is amended to read:

11

125.12 (4) (ag) 7. That the licensee has ~~been convicted of manufacturing,~~
~~distributing or delivering a controlled substance or controlled substance analog~~
~~under s. 961.41 (1); of possessing, with intent to manufacture, distribute or deliver,~~
~~a controlled substance or controlled substance analog under s. 961.41 (1m); or of~~
~~possessing, with intent to manufacture, distribute or deliver, or of manufacturing,~~
~~distributing or delivering a controlled substance or controlled substance analog~~
~~in violation of ch. 961 or under~~ a substantially similar federal law or a substantially
similar law of another state.

19

(END)

**SUBMITTAL
FORM**

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

APR 16 1999

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: 4/14/99

To: Representative Staskunas

Relating to LRB drafting number: LRB-1954

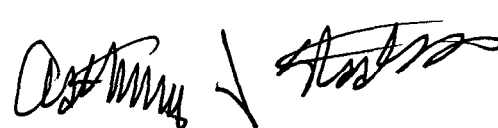
Topic

Revoke liquor license for drug offenses

Subject(s)

Beverages - miscellaneous

1. **JACKET** the draft for introduction _____



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.

Paul E. Nilsen, Legislative Attorney
Telephone: (608) 261-6926



ANTHONY J. STASKUNAS
STATE REPRESENTATIVE • 15TH ASSEMBLY DISTRICT

MEMORANDUM

August 10, 1999

To: Paul Nilsen, LRB

From: Adrienne Ramirez

Re: LRB- 1954, relating to revocations, suspensions and refusals to issue or renew a license or permit relating to alcohol beverages.

Rep. Staskunas was recently reviewing draft LRB-1954. He has concerns with the analysis by the LRB. He suggested that the second paragraph read:

This bill changes the standard of review for a municipality or the DOR to revoke an alcohol beverage license or permit. Under this bill evidence of a conviction is not necessary to revoke, suspend or refuse to issue or renew an alcohol beverage license or permit, but only a find that the licensee has violated Chapter 961.

Any assistance you could provide either altering the analysis or an explanation of why it should remain as originally written, would be greatly appreciated.

Thank you for your help and expertise.

OFFICE: P.O. BOX 8953 • MADISON, WI 53708 • (608) 266-0620
HOME: 2010 SOUTH 103RD COURT • WEST ALLIS, WI 53227 • (414) 541-9440
TOLL-FREE NUMBER: 1-888-534-0015 • FAX: (608) 282-3615

8/16/99

I told Adrienne by phone
that analysis to 1954/2 was accurate and
complete, that ~~proposed~~ analysis proposed by
Adrienne was inaccurate (1st sentence)
and incomplete (2^d sentence) and that if
bill doesn't meet intent we should redraft it.

-Pen

9/10/99
Met w/ Rep. Staskunas to review the bill
as drafted and his recommended changes.

Rep. Staskunas was satisfied that the bill
already addressed his concerns + met his

intent, no redrafting required.

-Pen