

2001 DRAFTING REQUEST

Bill

Received: 01/10/2001

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Mark Pettis (608) 267-2365

By/Representing:

This file may be shown to any legislator: NO

Drafter: agary

May Contact: Don Nelson (same ofc.)

Addl. Drafters:

Subject: Beverages - miscellaneous

Extra Copies: RCT

Pre Topic:

No specific pre topic given

Topic:

Reciprocity within a county for alcohol beverages operator's licenses

Instructions:

Wants a bill providing reciprocity within a county for alcohol beverage operator's licenses. Each municipality should have right to deny license reciprocity for misconduct, i.e., good cause. Should be a fee for the municipality for allowing reciprocity.

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	agary 02/23/2001	jdye 02/23/2001	jfrantze 02/27/2001	_____	lrb_docadmin 02/27/2001	lrb_docadminLocal 03/19/2001	

FE Sent For:

<END>

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1?	agary	1 2/23 jld	7/2/27	Sulb 2/27			

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<END>

JLD

2001 BILL

D-Note

gen

1 AN ACT ...; relating to: reciprocity within a county for alcohol beverages
2 operators' licenses. ✓

Analysis by the Legislative Reference Bureau

Current law requires (municipalities) cities, villages, and towns to issue operators' licenses (commonly called bartenders' licenses). An operator's license is valid only in the municipality that issued the license. No retail seller of alcohol beverages may be open for business unless the licensee or permittee, or a person who possesses a manager's license or an operator's license, is present and responsible for the acts of all persons serving alcohol beverages.

This bill generally requires a municipality to accept an operator's license issued by another municipality located in the same county, if the person to whom the operator's license is issued files a certified copy of the operator's license with the municipality and pays the applicable license fee. A municipality is not required to accept a person's operator's license issued by another municipality if the person made a false representation to the issuing municipality in obtaining the operator's license; does not meet the qualifications for an operator's license; or engaged in certain prohibited conduct. A municipality that does not accept the validity of a person's operator's license issued by another municipality must notify the person in writing of the reasons for the decision. This bill does not require a municipality to accept the validity of a temporary or provisional operator's license issued by another municipality.

BILL

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 125.17 (2) of the statutes is renumbered 125.17 (2) (a) and amended
2 to read:

3 125.17 (2) (a) Operators' Except as provided in par. (b) and ss. 125.32 (2) and
4 125.68 (2), operators' licenses are valid only within the issuing municipality.

5 SECTION 2. 125.17 (2) (b) of the statutes is created to read:

6 125.17 (2) (b) 1. A person issued an operator's license under sub. (1) may file
7 a certified copy of the operator's license with any other municipality located in the
8 same county as the issuing municipality. Upon filing and payment of the fee under
9 sub. (3), the operator's license is valid in the municipality in which the operator's
10 license is filed for the period established by that municipality under sub. (3), or for
11 the period established by the issuing municipality under sub. (3) for the operator's
12 license at the time it was issued, whichever is shorter.

13 2. Notwithstanding subd. 1, an operator's license is not valid in a municipality
14 that did not issue the operator's license if the municipality determines that the
15 person to whom the operator's license is issued made a false representation to the
16 issuing municipality in obtaining the operator's license, is not qualified under s.
17 125.04 (5), or engaged in any of the prohibited conduct set forth in s. 125.12 (2) (ag).
18 A municipality that determines that a person's operator's license issued by another
19 municipality is not valid shall notify the person in writing of the reasons why the
20 operator's license is not valid.

21 SECTION 3. 125.17 (4) (intro.) of the statutes is amended to read:

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

LRB-1948/1dn

ARG:.....

JK

Under current law, municipalities are bound by uniform state requirements in issuing operators' licenses, and may not impose qualifications or criteria in addition to those imposed by state law as a condition of issuing these licenses. However, municipalities have discretion to impose differing requirements for issuance of provisional operators' licenses. The attached draft requires, with certain exceptions, a municipality to recognize the validity of an operator's license issued by another municipality located in the same county. This mandate of reciprocity applies only to operators' licenses, not to provisional or temporary operators' licenses. Is this okay?

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

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FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1948/1dn
ARG:jld:jf

February 27, 2001

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STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 27, 2001

MEMORANDUM

To: Representative Pettis

From: Arron R. Gary, Attorney

Re: LRB-1948 Reciprocity within a county for alcohol beverages operator's licenses

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6926 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.