

2003 DRAFTING REQUEST

Bill

Received: 01/09/2003

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Mark Pettis (608) 267-2365

By/Representing: Kimber

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Beverages

Extra Copies: RCT

Submit via email: YES

Requester's email: Rep.Pettis@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Reciprocity for bartenders license

Instructions:

Wants redraft of AB 235 with change - make reciprocity statewide, not just in one county

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>
/?	agary 01/17/2003	kfollett 02/19/2003 kfollett 02/20/2003		_____			
/1			rschluet 02/20/2003	_____	mbarman 02/20/2003	lemery 02/24/2003	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	agary 02/25/2003	kfollett 02/25/2003	rschluet 02/25/2003	_____	sbasford 02/25/2003	sbasford 02/25/2003	

FE Sent For:

None
Needed

<END>

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/1		12 kjf 2/25	rschluet 02/20/2003	_____	mbarman 02/20/2003	lemery 02/24/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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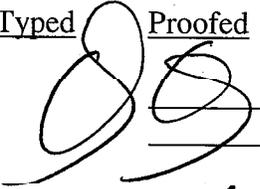
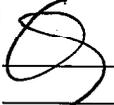
Topic:

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/?	agary	11 kjf					

2-20-3

FE Sent For:

<END>

LRB 1402
1/16/03

Telephone conference with Rep. Pettis. Wants to make sure redraft of 2001 AB 235 applies statewide, not just in a county, and wants uniform standard for background checks included, as I discussed with Don Nelson last session.

ARG

1402/1
LRB-~~00000~~
> ARG: ~~none~~ KJF
redraft maker
not run

Thurs
2/27

3
2001 ASSEMBLY BILL 235

D. Note

PWF

March 20, 2001 - Introduced by Representatives PETTIS, FRISKE, KRAWCZYK, PLOUFF, COLON, LASSA, ALBERS, SERATTI, GRONEMUS, M. LEHMAN, MUSSER, POWERS, AINSWORTH, RHOADES, TOWNSEND, SYKORA, RYBA, OWENS, MCCORMICK, F. LASEE and OTT, cosponsored by Senators M. MEYER, WELCH and HARSDFORF. Referred to Committee on State Affairs.

Regen

- 1 AN ACT to renumber and amend 125.17 (2); to amend 125.17 (4) (intro.); and
- 2 to create 125.17 (2) (b) of the statutes; relating to: reciprocity ~~with other~~ counties
- 3 for alcohol beverages operators' licenses.

Analysis by the Legislative Reference Bureau

Current law requires cities, villages, and towns (municipalities) 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 ~~or~~ 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.

non-issuing

or if the issuing municipality failed to make a determination consistent with state law that the person meets the requirements relating to criminal history for issuance of an operator's license

ASSEMBLY BILL 235

> 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} ~~same county as the issuing municipality.~~ ^{and,}
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) ^{(d) 2.}, or engaged in any of the prohibited conduct set forth in s. 125.12 (2) (ag). ^{insert A}
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:



ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 235

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 17: after "(5)" insert "(d) 2."

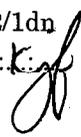
3 2. Page 2, line 17: after "(2) (ag)." insert "Notwithstanding subd. 1., an
4 operator's license is not valid in a municipality that did not issue the operator's
5 license if the issuing municipality failed to make a determination consistent with s.
6 125.04 (5) (a) 1. and (b) that the person to whom the operator's license is issued meets
7 the requirements for an operator's license under s. 125.04 (5) (a) 1. and (b)."
8

LENDY

insert
A

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1402/1dn

ARG: 

Date

ATTN: Kimber Liedl

The attached draft is a redraft of 2001 AB-235, except that it allows statewide reciprocity for operators' licenses and it incorporates the amendment prepared last session as LRBA1218 relating to criminal history checks.

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, under the statutes, municipalities have a certain latitude in determining whether an applicant meets the statutory criteria for issuance of an operator's license. The applicable statute simply states that licenses cannot be issued to persons with "an arrest or conviction record" or to persons who are habitual law offenders or who have been convicted of a felony, with the qualification that the arrest or conviction must be substantially related to the licensed activity. (See s. 125.04 (5).) Accordingly, although municipalities are bound to follow the uniform state requirements for issuance of an operator's license, municipalities have a certain discretion in their actual application of the requirements, particularly in the area of the criminal history check, since there is no explicit statutory standard for conducting the criminal history check or explicit enumeration of disqualifying offenses. This bill allows a non-issuing municipality to refuse to recognize an operator's license if the issuing municipality failed to conduct the criminal history check in accordance with state statutes.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1402/1dn
ARC:kj:rs

February 20, 2003

ATTN: Kimber Liedl

The attached draft is a redraft of 2001 AB-235, except that it allows statewide reciprocity for operators' licenses and it incorporates the amendment prepared last session as LRBA1218 relating to criminal history checks.

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, under the statutes, municipalities have a certain latitude in determining whether an applicant meets the statutory criteria for issuance of an operator's license. The applicable statute simply states that licenses cannot be issued to persons with "an arrest or conviction record" or to persons who are habitual law offenders or who have been convicted of a felony, with the qualification that the arrest or conviction must be substantially related to the licensed activity. (See s. 125.04 (5).) Accordingly, although municipalities are bound to follow the uniform state requirements for issuance of an operator's license, municipalities have a certain discretion in their actual application of the requirements, particularly in the area of the criminal history check, since there is no explicit statutory standard for conducting the criminal history check or explicit enumeration of disqualifying offenses. This bill allows a nonissuing municipality to refuse to recognize an operator's license if the issuing municipality failed to conduct the criminal history check in accordance with state statutes.

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

Emery, Lynn

From: Colvin, Alan
Sent: Monday, February 24, 2003 2:17 PM
To: LRB.Legal

The Office of Rep. Pettis needs jackets for the following LRBs.

1340

1557

1402

1597

1512

1545

Alan Colvin



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1402/4 2

ARG:kjf:rs

2003 BILL

TODAY

KMR

D-Note

1 AN ACT *to renumber and amend* 125.17 (2); *to amend* 125.17 (4) (intro.); and
2 *to create* 125.17 (2) (b) of the statutes; **relating to:** reciprocity for alcohol
3 beverages operators' licenses.

Analysis by the Legislative Reference Bureau

Current law requires cities, villages, and towns (municipalities) 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 if the person to whom the operator's license is issued files a certified copy of the operator's license with nonissuing 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 or if the issuing municipality failed to make a determination consistent with state law that the person meets the requirements relating to criminal history for issuance of an operator's license. 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

BILL

to accept the validity of a temporary or provisional operator's license issued by another municipality.

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 and, upon filing
8 and payment of the fee under sub. (3), the operator's license is valid in the
9 municipality in which the operator's license is filed for the period established by that
10 municipality under sub. (3), or for the period established by the issuing municipality
11 under sub. (3) for the operator's license at the time it was issued, whichever is
12 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) (d) 2., or engaged in any of the prohibited conduct set forth in s. 125.12 (2)
18 (ag). Notwithstanding subd. 1., an operator's license is not valid in a municipality
19 that did not issue the operator's license if the issuing municipality failed to make a
20 determination consistent with s. 125.04 (5) (a) 1. and (b) that the person to whom the
21 operator's license is issued meets the requirements for an operator's license under

BILL

1 s. 125.04 (5) (a) 1. and (b). A municipality that determines that a person's operator's
2 license issued by another municipality is not valid shall notify the person in writing
3 of the reasons why the operator's license is not valid.

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

5 125.17 (4) TEMPORARY LICENSE. (intro.) Any municipal governing body may
6 issue a temporary operator's license under the terms of subs. (1) ~~to~~, (2) (a), and (3),
7 except that:

8 (END)



A handwritten note "D-Note" is circled in black ink. The note is written in a cursive, handwritten style.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1402/2dn

ARG:...

19f

Date

ATTN: Kimber Liedl

The attached draft is identical to the "1" draft except that it corrects a clerical error in the third line of the second paragraph of the analysis.

Aaron R. Gary
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1402/2dn
ARG:kjfrs

February 25, 2003

ATTN: Kimber Liedl

The attached draft is identical to the "/1" draft except that it corrects a clerical error in the third line of the second paragraph of the analysis.

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