

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB210)

Received: **10/10/2003**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Jeff Fitzgerald (608) 266-2540**

By/Representing: **Michael Welsh (aide)**

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.Fitzgerald@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Provisions bartender's licenses for persons who hold a bartender's license issued by another municipality

Instructions:

Wants amendment that makes it a temporary or provisional 60 day license until municipality issues a new license if the person files certified copy with application

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 10/10/2003	kfollett 10/10/2003		_____			
/P1			jfrantze 10/13/2003	_____	sbasford 10/13/2003		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	agary 10/13/2003	csicilia 10/13/2003	pgreensl 10/13/2003	_____	lnorthro 10/13/2003	lnorthro 10/13/2003	

FE Sent For:

<END>

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FE Sent For:

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1?	agary	1/PI KJ 10/10	7/10/13	Self 10/13			

FE Sent For:

[Handwritten signature]
10/13/03

<END>

TODAY
for Mon. AM

S 0215/P1

LRB-~~2002~~
ARG:kjff

ASA to

2003 ASSEMBLY BILL 210

D-Note

March 25, 2003 - Introduced by Representatives PETTIS, MUSSER, SERATTI, LADWIG, KRAWCZYK, GUNDERSON, HAHN, HINES, PLOUFF, BIES, ALBERS and FRISKE. Referred to Committee on State Affairs.

Reger

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 ^{provisional}
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 the nonissuing 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

ASSEMBLY BILL 210

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' licenses~~ 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

ASSEMBLY BILL 210

1 s. 125.04 (b) (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~~ (a), and (3),
7 except that:

8 (END)

Insert
3-7

D-Note

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0215/P1ins
ARG:.....

1 **INSERT 3-7:**

2 **SECTION 1.** 125.17 (5) (a) of the statutes is renumbered 125.17 (5) (a) 1. and
3 amended to read:

4 125.17 (5) (a) 1. A municipal governing body that issues operators' licenses
5 shall issue provisional operators' licenses. The Subject to subd. 2., the municipal
6 governing body may by ordinance establish standards under which provisional
7 licenses shall be issued and shall by ordinance designate the municipal official
8 having authority to issue them.

9 **SECTION 2.** 125.17 (5) (a) 2. of the statutes is created to read:

10 125.17 (5) (a) 2. Subject to pars. (b) to (e), a municipal governing body that
11 issues operators' licenses shall issue a provisional operator's license to a person who,
12 at the time of application for an operator's license under sub. (1) and payment of the
13 fee under sub. (3), files a certified copy of a valid operator's license issued by another
14 municipality.

15 **SECTION 3.** 125.17 (5) (d) of the statutes is renumbered 125.17 (5) (d) 1. and
16 amended to read:

17 125.17 (5) (d) 1. ~~A~~ Except as provided in subd. 2., a provisional license expires
18 60 days after its issuance or when a license under sub. (1) is issued to the holder,
19 whichever is sooner.

20 **SECTION 4.** 125.17 (5) (d) 2. of the statutes is created to read:

21 125.17 (5) (d) 2. A provisional license issued under par. (a) 2. expires as
22 provided under subd. 1. or upon expiration of the operator's license issued by another
23 municipality and filed under par. (a) 2., whichever is sooner.

1 **SECTION 5.** 125.17 (5) (e) of the statutes is amended to read:

2 125.17 (5) (e) The official who issued the provisional license may revoke the
3 license if he or she discovers that the holder of the license made a false statement on
4 the application or, if the provisional license is issued under par. (a) 2., if the official
5 determines that the operator's license issued by another municipality and filed
6 under par. (a) 2. is not valid or upon denial of the person's application for an
7 operator's license under sub. (1).

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

LRBs0215/P1dn

ARG. *kg*

Date

ATTN: Michael

substitute amendment

Please review the attached ~~amendment~~ *substitute amendment* carefully to ensure that it is consistent with your intent.

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

LRBs0215/P1dn
ARG:kjf:jf

October 13, 2003

ATTN: Michael

Please review the attached substitute amendment carefully to ensure that it is consistent with your intent.

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



State of Wisconsin
2003 - 2004 LEGISLATURE

TODAY

LRBs0215~~44~~ 1

ARG:kjf:jt2

stays RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2003 ASSEMBLY BILL 210

No change -
PI -> 1
Thaks. Am

bill hist ✓
SA ✓

1 AN ACT to renumber and amend 125.17 (5) (a) and 125.17 (5) (d); to amend
2 125.17 (5) (e); and to create 125.17 (5) (a) 2. and 125.17 (5) (d) 2. of the statutes;
3 relating to: provisional alcohol beverages operators' licenses.

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

4 SECTION 1. 125.17 (5) (a) of the statutes is renumbered 125.17 (5) (a) 1. and
5 amended to read:

6 125.17 (5) (a) 1. A municipal governing body that issues operators' licenses
7 shall issue provisional operators' licenses. The Subject to subd. 2., the municipal
8 governing body may by ordinance establish standards under which provisional
9 licenses shall be issued and shall by ordinance designate the municipal official
10 having authority to issue them.

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

