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2001 SENATE BILL 216

July 5, 2001 – Introduced by Senator Robson, cosponsored by Representative M. Lehman, by request of the Department of Revenue. Referred to Committee on Universities, Housing, and Government Operations.

AN ACT to repeal and recreate 139.34 (1) (c) of the statutes; relating to: the

requirements for a permit to sell or manufacture cigarettes.

Analysis by the Legislative Reference Bureau

Under current law, a state agency, such as the department of revenue (DOR), may not deny an application for a permit to perform certain activities if the applicant has been arrested or convicted of a crime, unless the circumstances of the arrest or the conviction relate substantially to the activity allowed by the permit.

Under current law, a person may not sell or manufacture cigarettes in this state unless that person has a permit issued by DOR. DOR may not issue the permit to a person who has been convicted of crimes related to prostitution or gambling, or crimes related to loaning money to a person who holds a permit to sell alcohol. DOR may not issue a cigarette sales or manufacturing permit to a person whose income is derived principally from gambling or to a person who is addicted to a controlled substance.

This bill eliminates the cigarette sales or manufacturing permit prohibitions related to gambling, prostitution, controlled substances, and money lending. Instead, DOR may not issue a cigarette sales or manufacturing permit to a person who has been arrested or convicted of a crime, if the arrest or conviction relates substantially to the sale or manufacturing of cigarettes.

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

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1	Section 1. 139.34 (1) (c) of the statutes is repealed and recreated to read:
2	139.34 (1) (c) 1. Except as provided under subd. 2., no permit under this section
3	may be granted to any person to whom any of the following applies:
4	a. Subject to ss. 111.321, 111.322, 111.335 (1) (a), (b), and (c), and 139.39 (3), the
5	person has been arrested, convicted of a misdemeanor, convicted of a felony and has
6	not been pardoned for that felony, or has been a habitual law offender.
7	b. The person is less than 18 years old.
8	2. If a corporation, as defined under s. 71.22 (1), has been convicted of a crime,
9	the corporation may obtain a permit under this paragraph if the corporation has
10	terminated its relationship with all the individuals whose actions directly
11	contributed to the conviction.
12	Section 2. Initial applicability.
13	(1) This act first applies to permit applications received by the department of

(END)

revenue on the effective date of this subsection.