



To: Assembly Committee on Judiciary
From: Representative Josh Zepnick
Date: January 7, 2016
Re: Testimony in favor of Assembly Bill 628, relating to suspending, revoking, or refusing to renew cigarette and tobacco products retailer licenses.

Good Afternoon Chairman Ott and committee members, and thank you for hearing my testimony on this important piece of legislation.

Assembly Bill 628 is a commonsense, bipartisan, and necessary piece of legislation. Unlike sales of alcohol, municipalities do not currently have substantial authority to investigate and punish problem properties with existing tobacco licenses. The bill would define and penalize activities conducted on the premises of cigarette and tobacco retailers which lower quality of life, increase the chances of criminal activity, or even violate current law. Included in the list of prohibited actions are keeping disorderly, unsanitary, or indecent property, allowing criminals or prostitutes to loiter, personally being involved with the illegal sale of controlled substances, or allowing another to do the same on premises. This is a set of undoubtedly reasonable standards by which tobacco retailers, or any retailer with a municipality-issued license, should conduct business.

There is a legitimate fear that what has happened in the 18th District could happen elsewhere. Across my district there are 100 tobacco retailers, often located near small businesses, senior public housing, and family neighborhoods. I have heard from community groups and businesses who fear a situation similar to that of the 18th district and the proximity of these retailers to both families and businesses.

Will Sebern, the Executive Director of the Layton Boulevard West Neighbors in the 9th Assembly District on Milwaukee's South Side, has brought to my attention many of these establishments and concerns. Currently, my community does not



have the ability to deal with a future problem business at any location. On one busy corner alone, a tobacco shop operates next to more than ten successful businesses, residential areas with many kids and young adults, and public housing. Simply put, a disorderly premises or criminal activity would put these businesses, and residents in the area, at risk. As such, it should come as no surprise this legislation has seen support from both business and neighborhood associations in Milwaukee. There are few options under current law which my constituents and the city can use to address problem tobacco retailers should any issues arise. Under AB 628, they would now be given a chance to make their concerns heard, and give municipalities legitimate control over a local matter.

Importantly, AB 628 gives retailers due process in defending against unjust claims. Any business accused of violating the provisions under the bill is first entitled to a hearing before their governing body, and is allowed to bring evidence, witnesses, an attorney, and an opportunity to cross-examine. Even if the governing body finds the complaint to be true, the business is given the right to appeal the judgement in circuit court. There is no doubt this bill establishes a fair and reasonable process through which claims against businesses can be investigated.

For all of these reasons, I ask you to support AB 628. It will fill in the gap in current law to support our communities, businesses, and law-abiding tobacco retailers while deterring disorderly and criminal establishments.