

CHAPTER 202 , Laws of 1981

AN ACT to repeal 66.057 (1) to (3) and 125.06 (5) (b); to renumber 66.056, 125.06 (5) (a), 125.27, 125.33 (3) (a) (intro.), 1 and 3 and 125.69 (4) (a) (intro), 1 and 3; to amend 125.06 (5) (title); 125.08 (1) (c) to (e), (2) (a), (b) and (d) and (3) (a) and (b), as renumbered; 125.10 (2); 125.27 (1) (b) and (d), as renumbered; 125.33 (1) (a), (b) and (c) 1 to 5 and 8, (2) and (3) (d), 125.68 (4) (b) and 125.69 (2) (a) and (b), (3) and (6); to repeal and recreate 125.33 (3) (a) 2 and 125.69 (4) (a) 2; and to create 125.02 (3m), 125.07 (3) (a) 8, 125.27 (1) (title) and (2), 125.33 (1) (c) 9 and 10, 125.51 (5) (c) and 125.69 (2) (d) of the statutes, relating to identification cards, restrictions on the wholesale sale of alcohol beverages to university of Wisconsin system campuses, permitting brewers and wholesalers of fermented malt beverages to contribute money and other items of value to, or purchase advertising from, private colleges and universities, permitting counties to adopt ordinances regulating the possession or procurement of alcohol beverages by minors and furnishing alcohol beverages to minors, alcohol beverage licenses for vessels and permitting minors to enter premises licensed to sell alcohol beverages to march or drill.

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

SECTION 1. 66.056 of the statutes, as created by chapter 44, laws of 1981, is renumbered 125.08, and 125.08 (1) (c) to (e), (2) (a), (b) and (d) and (3) (a) and (b), as renumbered, are amended to read:

125.08 (1) (c) *Processing.* The department of administration shall contract for the processing of identification cards. The cards shall be processed on material and in such the manner as the department of administration determines best avoids the possibility of duplication or forgery and. The card shall include a facsimile of the coat of arms of the this state.

(d) *Distribution.* The department of administration shall distribute blank identification forms only to issuing officers upon their request and payment of costs. Prior to distribution ~~to an issuing officer,~~ the department of administration shall insert on the forms ~~his~~ the issuing officer's title and county.

(e) *Use.* No issuing officer may issue any identification card except in accordance with this section. No card other than the identification card authorized under this section may be recognized as an official identification card in this state, except an identification card issued under s. 343.50 ~~or, in lieu thereof,~~ In place of an official identification card, documentary proof under s. ~~66.057 (4) or 176.32 (2) (a)~~ 125.07 (7) may be substituted.

(2) (a) *Eligibility.* Any person at least 18 years of age may apply to the issuing officer of the county in which ~~residing he or she resides~~ for issuance of an identification card under this section. Temporary residents of this state or residents temporarily residing in another county, may apply in their county of temporary residence. Each applicant shall submit with the application a birth or baptismal certificate or an official government passport attesting to the applicant's age, and other documents as required by the issuing officer requires. For foreign born applicants, the issuing officer may, in lieu of a birth or baptismal certificate or passport, accept an alien registration receipt card, certificate of naturalization or certificate of citizenship as evidence of age. If the issuing officer is satisfied in circumstances where the applicant appears to be over the age of 60 that good

reason exists for the inability of the applicant to submit a birth or baptismal certificate, the officer may accept other sufficient evidence of age ~~deemed sufficient or appropriate~~.

(b) *Processing.* Prior to issuing an identification card to an applicant, the issuing officer shall require that a black and white photograph of the applicant be affixed to the form and that the form ~~bear the signatures of~~ be signed by the applicant and the issuing officer. The issuing officer shall send the completed form to the department of administration for processing of the identification card and the department of administration shall ~~then return the form it~~ to the issuing officer for issuance to the applicant. The department of administration shall charge the issuing officer for its costs under this paragraph.

(d) *Fees.* ~~A fee of \$3 shall be charged each applicant obtaining~~ The fee for an identification card. ~~A fee of \$5 shall be charged those applicants obtaining duplicate cards is \$3.~~ The fee for a duplicate card is \$5. The issuing officer shall pay deposit the fees received under this section into in the treasury of the county or municipality.

(3) (a) Any person, other than one authorized by this section, who makes, alters or duplicates an official identification card ~~under this section~~ may be fined not less than \$50 nor more than \$500 or imprisoned not less than 10 days nor more than 30 days or both.

(b) Any minor person under the age of 18 years who intentionally carries an official identification card ~~under this section~~ not legally issued to him or her, or a legally issued card obtained under false pretenses or a legally issued card which has been altered, ~~changed~~ or duplicated to convey false information may be fined not less than \$25 nor more than \$50. A law enforcement officer shall, ~~upon discovering a card in violation of this paragraph,~~ confiscate the any card that violates this paragraph.

SECTION 2. 66.057 (1) to (3) of the statutes, as affected by chapter 20, laws of 1981, are repealed.

SECTION 3. 125.02 (3m) of the statutes is created to read:

125.02 (3m) "Campus" has the meaning given under s. 36.05 (3).

SECTION 4. 125.06 (5) (title) of the statutes, as created by chapter 79, laws of 1981, is amended to read:

125.06 (5) (title) RAILROADS, AIRCRAFT.

SECTION 5. 125.06 (5) (a) of the statutes, as created by chapter 79, laws of 1981, is renumbered 125.06 (5).

SECTION 6. 125.06 (5) (b) of the statutes, as created by chapter 79, laws of 1981, is repealed.

SECTION 7. 125.07 (3) (a) 8 of the statutes is created to read:

125.07 (3) (a) 8. A person under the age of 18 years who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, for the purpose of engaging in marching or drilling with a group of other persons if no alcohol beverages are furnished or consumed by any person in the room where the minor is present and the minor's presence is authorized under this subdivision. A minor may enter and remain on Class "B" or "Class B" premises under this subdivision only if the municipality which issued the Class "B" or "Class B" license adopts an ordinance permitting minors to enter and remain on the premises as provided in this subdivision and the law enforcement agency responsible for enforcing the ordinance issues to the Class "B" or "Class B" licensee a written authorization permitting minors to be present under this subdivision on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of minors on the licensed premises will not endanger the health, welfare or safety of the minors or other members of the community. The licensee shall obtain a separate authorization for each date on which minors will be present on the premises.

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SECTION 8. 125.10 (2) of the statutes, as created by chapter 79, laws of 1981, is amended to read:

125.10 (2) REGULATION OF MINORS. A municipality or a county may adopt an ordinance regulating conduct regulated by s. 125.07 (1), (3), ~~(4)~~ and (5) or 125.09 (2) only if it strictly conforms to the statutory ~~section~~ subsection. A county ordinance adopted under this subsection does not apply within any municipality that has adopted or adopts an ordinance under this subsection.

SECTION 9. 125.27 of the statutes, as created by chapter 79, laws of 1981, is renumbered 125.27 (1), and 125.27 (1) (b) and (d), as renumbered, are amended to read:

125.27 (1) (b) A club applying for a Class "B" permit under this ~~section~~ subsection shall have occupied the premises on which it is located on the date of filing the application for a period of 6 months prior to that date.

(d) Except as otherwise provided in this ~~section~~ subsection, all sections of this chapter relating to Class "B" licenses apply to Class "B" permits issued under this ~~section~~ subsection.

SECTION 10. 125.27 (1) (title) and (2) of the statutes are created to read:

125.27 (1) (title) SPORTS CLUBS.

(2) VESSELS. (a) The department may issue a Class "B" permit to any person qualified under s. 125.04 (5) authorizing the sale of fermented malt beverages for consumption on any vessel having a regular place of mooring located in any waters of this state as defined under s. 29.01 (4) if the vessel is certified by the U.S. coast guard and has an approved passenger capacity of not less than 100 individuals, and if the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50% of the gross receipts of the vessel. The department may issue the permit only if the vessel customarily leaves its place of mooring while the sale of fermented malt beverages is taking place.

(b) Persons holding a permit under this subsection may sell beverages containing less than 0.5% of alcohol by volume without obtaining a license under s. 66.053 (1).

(c) The annual fee for the permit is \$100.

(d) Except as provided in this subsection, all sections of this chapter applying to Class "B" licenses apply to Class "B" permits issued under this subsection.

SECTION 11. 125.33 (1) (a), (b) and (c) 1 to 5 and 8 of the statutes, as created by chapter 79, laws of 1981, are amended to read:

125.33 (1) (a) Except as provided in this section, s. 125.28 (2) or 125.31 (1), no brewer or wholesaler may furnish, give, lend, lease or sell any furniture, fixtures, fittings, equipment, money or other thing of value to any campus or Class "B" licensee or permittee, or to any person for the use, benefit or relief of any campus or Class "B" licensee or permittee, or guarantee the repayment of any loan or the fulfillment of any financial obligation of any campus or Class "B" licensee or permittee. Such actions may not be taken by the brewer or wholesaler directly or indirectly, or through a subsidiary or affiliate corporation, or by any officer, director, stockholder or partner thereof.

(b) No brewer or wholesaler may enter into any ~~written~~ agreement, ~~and no written or oral agreement is valid, whether or not incorporated in any conditional sales contract, security agreement, bill of sale, lease, land contract, mortgage, deed or other instrument, by which whereby any campus or Class "B" licensee or permittee is required to purchase the fermented malt beverages of any brewer to the exclusion, in whole or part, of those manufactured by other brewers.~~ Such contracts may not be entered into by the brewer or wholesaler, directly or indirectly, or through a subsidiary or an affiliate corporation, or by any officer, director, stockholder or partner thereof.

(c) 1. Furnish, give, lend or rent outside and inside signs to campuses and Class "B" licensees and permittees if the aggregate value of the signs furnished, given, lent or rented by any brewer or wholesaler to any campus or Class "B" licensee or permittee does not exceed \$125 exclusive of erection, installation and repair charges.

2. Furnish miscellaneous advertising matter and other items if the aggregate value of the items furnished to any one campus or Class "B" licensee or permittee does not exceed \$25 in any one calendar year.

3. Furnish or maintain for campuses or Class "B" licensees or permittees equipment designed and intended to preserve and maintain the sanitary dispensing of fermented malt beverages, if the expense incurred by the brewer or wholesaler does not exceed \$25 per tap per calendar year. No part of any such expense may be paid in cash to any campus or Class "B" licensee or permittee.

4. Sell dispensing equipment such as direct draw boxes, novelty boxes, coil boxes, beer storage boxes or tapping equipment, none of which may include bar additions, to campuses or Class "B" licensees and permittees for cash or on credit for not more than 2 years. Credit sales shall be evidenced by a written contract stating the terms, conditions and monthly payments. Within 10 days after the execution of the contract, the seller shall file a copy of the contract with the register of deeds for the county in which the equipment is installed.

5. Sell consumable merchandise intended for resale, including the sale or loan of containers thereof, to campuses and Class "B" licensees and permittees in the regular course of business.

8. ~~Brewers and wholesalers may lease~~ Lease or lend such furniture, fixtures, fittings and equipment to ~~Class "B" licensees and permittees who are in possession or to any person in possession of the~~ a Class "B" premises where the furniture, fixtures, fittings and equipment ~~are~~ were installed on the Class "B" premises prior to May 24, 1941. Any brewer or wholesaler who repossesses any furniture, fixtures, fittings or equipment leased, lent or sold to any Class "B" licensee or permittee may sell ~~the furniture, fixtures, fittings or equipment~~ them to any Class "B" licensee or permittee, for cash on delivery only, and shall deliver a bill of sale of the same to the purchaser. Any application for a Class "B" license or permit after May 24, 1941, shall ~~have appended thereto and made a part thereof~~ contain an affidavit sworn and acknowledged under oath by the applicant, setting forth the ownership of the fixtures in or attached to the premises, ~~or any part thereof~~, and if the fixtures are not owned by the applicant, the manner, terms and conditions under which the fixtures are held.

SECTION 12. 125.33 (1) (c) 9 and 10 of the statutes are created to read:

125.33 (1) (c) 9. Contribute money or other items of value to, or purchase advertising from, an institution of higher education which is exempt under section 501 (c) (3) of the U.S. internal revenue code of 1954 if the contribution or purchase is for a purpose other than the use, benefit or relief of premises or operations for the sale of fermented malt beverages and is not contingent either upon the use of the product of the brewer or wholesaler by the institution or upon an agreement by the institution wholly or partly to exclude from sale the products of a competing brewer or wholesaler.

10. Contribute money or other items of value, or purchase advertising from, a campus if the contribution or purchase is for a purpose other than the use, benefit or relief of premises or operations for the sale of fermented malt beverages and is not contingent either upon the use of the product of the brewer or wholesaler by the campus or upon an agreement by the campus partly or wholly to exclude from sale the products of a competing brewer or wholesaler.

SECTION 13. 125.33 (2) and (3) (d) of the statutes, as created by chapter 79, laws of 1981, are amended to read:

125.33 (2) **VOLUME DISCOUNTS TO RETAILERS.** Wholesalers of fermented malt beverages shall charge the same price to all ~~retailers~~ campuses and retail licensees and permittees making purchases in similar quantities, ~~regardless of whether the retailer is a Class "A" or Class "B" licensee or permittee.~~ Any discount offered on fermented malt beverages shall be delivered to the retailer in a single transaction and single delivery, and on a single invoice.

(3) (d) *Penalties.* A retail licensee or permittee who violates this subsection is subject to the penalties under s. 125.11 (1) except that he or she may not be imprisoned. No brewer or wholesaler may be subjected to any penalty as the result of the sale of fermented malt beverages to a campus or retail licensee or permittee when purchased by the ~~retailer~~ campus or retail licensee or permittee in violation of this subsection.

SECTION 14. 125.33 (3) (a) (intro.), 1 and 3 of the statutes, as created by chapter 79, laws of 1981, are renumbered 125.33 (3) (a) 1. (intro.), a and b.

SECTION 15. 125.33 (3) (a) 2 of the statutes, as created by chapter 79, laws of 1981, is repealed and recreated to read:

125.33 (3) (a) 2. No campus or fermented malt beverage retail licensee or permittee may receive any fermented malt beverages on consignment or on any basis other than a bona fide sale.

SECTION 16. 125.51 (5) (c) of the statutes is created to read:

125.51 (5) (c) *Vessels.* 1. The department may issue a "Class B" permit to any person qualified under s. 125.04 (5) authorizing the sale of intoxicating liquor for consumption on any vessel having a regular place of mooring located in any waters of this state as defined under s. 29.01 (4) if the vessel is certified by the U.S. coast guard and has an approved passenger capacity of not less than 100 individuals, and if the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50% of the gross receipts of the vessel. The department may issue the permit only if the vessel customarily leaves its place of mooring while the sale of intoxicating liquor is taking place.

2. The annual fee for the permit is \$300.

3. Except as provided in this paragraph, all provisions of this chapter applying to "Class B" licenses apply to "Class B" permits issued under this paragraph.

SECTION 17. 125.68 (4) (b) of the statutes, as created by chapter 79, laws of 1981, is amended to read:

125.68 (4) (b) *"Class A" retailers.* No premises for which a "Class A" license or permit has been issued may remain open for the sale of intoxicating liquor between the hours of 9 p.m. and 8 a.m.

SECTION 18. 125.69 (2) (a) and (b), (3) and (6) of the statutes, as created by chapter 79, laws of 1981, are amended to read:

125.69 (2) (a) Except as provided in this subsection, no manufacturer, rectifier or wholesaler may furnish, give, lend, lease or sell any equipment, fixtures, supplies, money or other thing of value to any campus or "Class B" licensee or permittee, or to any person for the use, benefit or relief of any campus or "Class B" licensee or permittee, or guarantee the repayment of any loan or the fulfillment of any financial obligation of any campus or "Class B" licensee or permittee. Such actions may not be taken by the manufacturer, rectifier or wholesaler directly or indirectly or through a subsidiary or affiliate corporation, or by any officer, director, stockholder or partner thereof. No campus or person licensed to sell products of the intoxicating liquor industry may receive, or be the beneficiary of, any of the benefits prohibited by this paragraph.

(b) Notwithstanding the prohibitions contained in this subsection, manufacturers, rectifiers and wholesalers may furnish, give, lend or rent outside and inside signs to campuses or "Class B" licensees and permittees if the aggregate value of the signs furnished to a single licensee or permittee does not exceed \$25 in any one calendar year.

(3) (title) **VOLUME DISCOUNTS TO CAMPUSES AND RETAILERS.** A wholesaler of intoxicating liquor shall charge the same price to all retailers campuses and retail licensees and permittees making purchases in similar quantities, ~~regardless of whether the retailer is a "Class A" or "Class B" licensee or permittee.~~ Any discount offered on intoxicating liquor shall be delivered to the retailer in a single transaction and single delivery, and on a single invoice.

(6) (title) **CAMPUSES AND RETAILERS TO PURCHASE FROM PERSONS HOLDING PERMITS.** No retailer campus or retail licensee or permittee may purchase or possess intoxicating liquor purchased from any person other than a manufacturer, rectifier or wholesaler holding a permit under this chapter for the sale of intoxicating liquor.

SECTION 19. 125.69 (2) (d) of the statutes is created to read:

125.69 (2) (d) Notwithstanding the prohibitions contained in this subsection, a manufacturer, rectifier or wholesaler may contribute money or other items of value, or purchase advertising from, a campus if the contribution or purchase is for a purpose other than the use, benefit or relief of premises or operations for the sale of intoxicating liquors and is not contingent either upon the use of the product of the manufacturer, rectifier or wholesaler by the campus or upon an agreement by the campus partly or wholly to exclude from sale the products of a competing manufacturer, rectifier or wholesaler.

SECTION 20. 125.69 (4) (a) (intro.), 1 and 3 of the statutes, as created by chapter 79, laws of 1981, are renumbered 125.69 (4) (a) 1. (intro.), a and b.

SECTION 21. 125.69 (4) (a) 2 of the statutes, as created by chapter 79, laws of 1981, is repealed and recreated to read:

125.69 (4) (a) 2. No campus or intoxicating liquor retail licensee or permittee may receive any intoxicating liquor on consignment or on any basis other than a bona fide sale.

SECTION 22. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

(1) ADMINISTRATION.

A	B	C
Statute Sections	References Deleted	References Inserted
15.101 (intro.), as affected by ch. 44, laws of 1981	66.056 (1) and (2)(b)	125.08 (1) and (2)(b)

(2) JUSTICE.

A	B	C
Statute Sections	References Deleted	References Inserted
15.251 (intro.), as affected by ch. 44, laws of 1981	66.056 (1)	none

(3) REVENUE.

A	B	C
Statute Sections	References Deleted	References Inserted
15.431 (intro.), as affected by chs. 44 and 79, laws of 1981	66.056 (3), 66.057 (3), (4) and (5)	none

SECTION 23. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
6.28 (1)(a), as affected by ch. 44, laws of 1981	66.056 (2)(e)	125.08 (2)(e)

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6.28 (3), as affected by ch. 44, laws of 1981	66.056	125.08
6.33 (1), as affected by ch. 44, laws of 1981	66.056 (2)(e)	125.08 (2)(e)
6.33 (1), as affected by ch. 44, laws of 1981	66.056	125.08
6.55 (7)(c) 2, as af- fected by ch. 44, laws of 1981	66.056	125.08
20.505 (1)(i), as af- fected by ch. 44, laws of 1981	66.056 (1)(d) and (2) (b)	125.08 (1)(d) and (2)(b)

SECTION 24. Effective date. (1) Except as provided in subsection (2), this act takes effect on July 1, 1982.

(2) The treatment of section 66.057 (1) to (3) of the statutes by this act takes effect on the day following publication.
