

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/23/99**

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Republican Caucus**

By/Representing: **Dake**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Alt. Drafters: **nilsepe**

Subject: **Beverages - miscellaneous**

Extra Copies:

Pre Topic:

ARC:.....Dake - Am #165.

Topic:

Restaurant-winery permits

Instructions:

See Attached

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>
/1	rmarchan 06/23/99	ygeller 06/23/99	martykr 06/23/99	_____	lrb_docadmin 06/24/99		

FE Sent For:

<END>

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1/?	rmarchan	1 6/23 jlg	rm/23	Kf 6 *m 23			

FE Sent For:

<END>

To Be Drafted

Agency	Revenue	Amendment#	165
ARC Analyst		LRB#	
		Tax Cut	<input type="checkbox"/>

Summary

This amendment will create a restaurant-winery permit, which authorizes a restaurant to manufacture its own wine and to sell that wine at retail from the premises for consumption or off the restaurant's premises. This permit will be issued by the Department of Revenue and may be issued only for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and that manufactures less than 2,500 gallons of wine per year. This amendment will allow restaurants to take advantage of new technology and operate as a wine pub, similar to brew pubs that currently operate in this state.

Fiscal Impact

There is no state fiscal impact.

Statement of Intent

Create a permit authorizing certain restaurants to manufacture and sell wine on the restaurant's premises.

99-2651



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1138/1
RJM&PEN:.....

WPO -
Please fix
request
sheet

Good

Jlg
RJM

ARC:.....Dake - AM # 165, Restaurant-winery permits

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

Insert
1-2 ✓

1

At the locations indicated, amend the substitute amendment as follows:

2

1. Page 1138, line 8: after that line insert:

3

2. Page 1139, line 11: after that line insert:

4

(END)

Insert
1-3 ✓

ASSEMBLY BILL 319

For further information see the *state* 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:

INSERT 1-2

1 ✓ (2165g) "SECTION 1. 125.51 (3) (am) of the statutes is amended to read:

2 125.51 (3) (am) A "Class B" license issued to a winery authorizes the sale of
3 wine to be consumed by the glass or in opened containers only on the premises where
4 sold and also authorizes the sale of wine in the original package or container to be
5 consumed off the premises where sold, but does not authorize the sale of fermented
6 malt beverages or any intoxicating liquor other than wine. A restaurant for which
7 a permit is issued under s. 125.535 shall not be considered a winery under this
8 paragraph." ✓

INSERT 1-3

9 "SECTION 2. 125.535 of the statutes is created to read:

10 (2165m) 125.535 **Restaurant-winery permit.** The department shall issue a
11 restaurant-winery permit authorizing the retail sale of wine manufactured on the
12 premises for consumption on the premises where sold or in an original unopened
13 package or container for consumption off the premises where sold. The department
14 may issue a restaurant-winery permit to any person who is qualified under s. 125.04
15 (5) and who holds a valid certificate under s. 73.03 (50). A restaurant-winery permit
16 may be issued only for a restaurant in which the sale of alcohol beverages accounts
17 for less than 50% of gross receipts and that manufactures less than ~~5,000~~ ^{2,500} gallons of
18 wine per year. ~~The permittee may offer, free of charge, 2 fluid-ounce taste samples~~
19 ~~of wine manufactured on the premises to persons dining on the premises.~~ A
20 restaurant issued a permit under this section shall not be considered a winery for
21 purposes of s. 125.51 (3) (am).



ASSEMBLY BILL 319

INS 1-3 cont

1 ✓ SECTION 3. 125.69 (1) (a) of the statutes is renumbered 125.69 (1) (a) 1. and
2 2165p amended to read:

3 125.69 (1) (a) 1. No Except as provided in subds. 2. and 3., no intoxicating liquor
4 manufacturer, rectifier or wholesaler may hold any direct or indirect interest in any
5 "Class A" license or establishment and no "Class A" licensee may hold any direct or
6 indirect interest in a wholesale permit or establishment, ~~except that a.~~

7 2. A winery that has holds a permit under s. 125.53 may have an ownership
8 interest in a "Class A" license.

9 65+ SECTION 4. 125.69 (1) (a) 3. of the statutes is created to read:
10 125.69 (1) (a) 3. A restaurant that holds a permit under s. 125.535 may hold
11 a "Class A" license.

12 2165v SECTION 5. 125.69 (1) (b) 1. of the statutes is amended to read:
13 125.69 (1) (b) 1. Except as provided under subds. 2. to ~~4.~~ 5., no intoxicating
14 liquor manufacturer, rectifier or wholesaler may hold any direct or indirect interest
15 in any "Class B" license or permit or establishment or "Class C" license or
16 establishment and no "Class B" licensee or permittee or "Class C" licensee may hold
17 any direct or indirect interest in a wholesale permit or establishment.

18 2165y SECTION 6. 125.69 (1) (b) 5. of the statutes is created to read:
19 125.69 (1) (b) 5. A restaurant that holds a permit under s. 125.535 may hold
20 a "Class B" license or permit or a "Class C" license. ✓

21

(END)
(end ins 1-3)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1138/1
RJM&PEN;jlg:km

ARC:.....Dake - Am #165, Restaurant-winery permits

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1138, line 8: after that line insert:

3 **“SECTION 2165g.** 125.51 (3) (am) of the statutes is amended to read:

4 125.51 (3) (am) A “Class B” license issued to a winery authorizes the sale of
5 wine to be consumed by the glass or in opened containers only on the premises where
6 sold and also authorizes the sale of wine in the original package or container to be
7 consumed off the premises where sold, but does not authorize the sale of fermented
8 malt beverages or any intoxicating liquor other than wine. A restaurant for which
9 a permit is issued under s. 125.535 shall not be considered a winery under this
10 paragraph.”.

1 **2.** Page 1139, line 11: after that line insert:

2 “**SECTION 2165m.** 125.535 of the statutes is created to read:

3 **125.535 Restaurant-winery permit.** The department shall issue a
4 restaurant-winery permit authorizing the retail sale of wine manufactured on the
5 premises for consumption on the premises where sold or in an original unopened
6 package or container for consumption off the premises where sold. The department
7 may issue a restaurant-winery permit to any person who is qualified under s. 125.04
8 (5) and who holds a valid certificate under s. 73.03 (50). A restaurant-winery permit
9 may be issued only for a restaurant in which the sale of alcohol beverages accounts
10 for less than 50% of gross receipts and that manufactures less than 2,500 gallons of
11 wine per year. A restaurant issued a permit under this section shall not be
12 considered a winery for purposes of s. 125.51 (3) (am).

13 **SECTION 2165p.** 125.69 (1) (a) of the statutes is renumbered 125.69 (1) (a) 1.
14 and amended to read:

15 125.69 (1) (a) 1. ~~No Except as provided in subds. 2. and 3., no intoxicating liquor~~
16 manufacturer, rectifier or wholesaler may hold any direct or indirect interest in any
17 “Class A” license or establishment and no “Class A” licensee may hold any direct or
18 indirect interest in a wholesale permit or establishment, ~~except that a.~~

19 2. A winery that ~~has~~ holds a permit under s. 125.53 may have an ownership
20 interest in a “Class A” license.

21 **SECTION 2165t.** 125.69 (1) (a) 3. of the statutes is created to read:

22 125.69 (1) (a) 3. A restaurant that holds a permit under s. 125.535 may hold
23 a “Class A” license.

24 **SECTION 2165w.** 125.69 (1) (b) 1. of the statutes is amended to read:

