

1999 Assembly Bill 717

Date of enactment: **May 12, 2000**
Date of publication*: **May 26, 2000**

1999 WISCONSIN ACT 163

AN ACT *to renumber and amend* 125.31 (1); *to amend* 125.28 (2) (b) 1. b. and c. and 125.31 (3) (b); and *to create* 125.02 (1m), 125.31 (1) (a) 1. and 125.31 (1) (a) 3. of the statutes; **relating to:** the number of Class “B” licenses that may be issued to certain small brewers.

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

SECTION 1. 125.02 (1m) of the statutes is created to read:

125.02 (1m) “Barrel” means 31 U.S. gallons.

SECTION 2. 125.28 (2) (b) 1. b. and c. of the statutes are amended to read:

125.28 (2) (b) 1. b. A Class “B” license issued under s. 125.26, except as provided in s. 125.29 (4).

c. A Class “B” permit issued under s. 125.27, except as provided in s. 125.29 (4).

SECTION 3. 125.31 (1) of the statutes is renumbered 125.31 (1) (a) 2. and amended to read:

125.31 (1) (a) 2. Notwithstanding ss. 125.29 (2) and 125.33 (1), a brewer may maintain and operate a one place on brewery premises and a one place on real estate owned by the brewer or a subsidiary or affiliate corporation or limited liability company for the sale of fermented malt beverages for which a Class “B” license is required for each place, but, except as provided in subd. 3., not more than 2 such Class “B” licenses shall be issued to any brewer.

(b) Notwithstanding ss. 125.29 (2) and 125.33 (1), a brewer may also own, maintain or operate places for the sale of fermented malt beverages at the state fair park or

on any county fairgrounds located in this state, in addition to places authorized under par. (a).

(c) Any Class “B” license necessary in connection with this subsection shall be issued to the brewer.

(d) Notwithstanding s. 125.33 (1), a brewer may own the furniture, fixtures, fittings, furnishings and equipment on such premises and shall pay any license fee or tax required for the operation of the premises.

SECTION 4. 125.31 (1) (a) 1. of the statutes is created to read:

125.31 (1) (a) 1. In this paragraph, “small brewer” means a brewer that, together with the fermented malt beverages manufactured during the same year by all of the following, manufactures less than 4,000 barrels of beer annually:

a. All brewers that share membership with the brewer in a controlled group of brewers, as determined under 26 USC 5051 (a) (2) (B).

b. All brewers considered with the brewer as one taxpayer under 27 CFR 25.111b (b).

c. All franchisees, as defined in s. 553.03 (5), of the brewer.

d. All franchisees, as defined in s. 553.03 (5), of the brewer’s franchisor, as defined in s. 553.03 (6).

e. The franchisor, as defined in s. 553.03 (6), of the brewer.

* Section 991.11, WISCONSIN STATUTES 1997–98: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 5. 125.31 (1) (a) 3. of the statutes is created to read:

125.31 (1) (a) 3. Notwithstanding ss. 125.29 (2) and 125.33 (1), in addition to places authorized under subd. 2., a small brewer may possess a Class “B” license for not more than 4 restaurants in each of which the sale of alcohol beverages accounts for less than 50% of the restaurant’s gross receipts and in which is offered for sale fermented malt beverages manufactured by a brewer other than the small brewer who possesses the Class “B” license. No restaurant whose Class “B” license is issued

to a small brewer under this subdivision may sell fermented malt beverages manufactured by the small brewer unless the restaurant purchased the fermented malt beverages from a wholesaler that has no direct or indirect ownership interest in the brewery that manufactured the fermented malt beverages.

SECTION 6. 125.31 (3) (b) of the statutes is amended to read:

125.31 (3) (b) To persons other than licensees and permittees, if the brewer obtains a Class “A” or Class “B” license.
