

## 2007 DRAFTING REQUEST

### Bill

Received: **02/04/2008**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Alberta Darling (608) 266-5830**

By/Representing: **Dave Volz**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Beverages**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Darling@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

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### Pre Topic:

No specific pre topic given

---

### Topic:

Allowing consumption of wine at culinary or cooking classes

---

### Instructions:

See Attached

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### 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> |
|--------------|---------------------|------------------------|------------------------|----------------|------------------------|-----------------------|-----------------|
| /?           |                     |                        |                        |                |                        |                       |                 |
| /P1          | agary<br>02/04/2008 | kfollett<br>02/07/2008 | rschluet<br>02/07/2008 | _____          | sbasford<br>02/07/2008 |                       |                 |
| /1           | agary<br>02/14/2008 | kfollett<br>02/14/2008 | jfrantze<br>02/14/2008 | _____          | cduerst<br>02/14/2008  | cduerst<br>02/15/2008 |                 |

FE Sent For:

**NO**

<END>

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By/Representing: Dave Volz

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May Contact:

Addl. Drafters:

Subject: Beverages

Extra Copies:

Submit via email: YES

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Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

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| /P1          | agary<br>02/04/2008 | kfollett<br>02/07/2008 | rschluet<br>02/07/2008 |                | sbasford<br>02/07/2008 |                 |                 |

FE Sent For:

1/15/08  
2/14/08

*[Handwritten signature]*  
2/19/08

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|

|    |       |                |  |  |  |  |  |
|----|-------|----------------|--|--|--|--|--|
| /? | agary | 1P11/gf<br>2/7 |  |  |  |  |  |
|----|-------|----------------|--|--|--|--|--|

FE Sent For:

*276*  
<END>

2/4

• Dave - Sen. Darling

- prepare food - meal assembly
- assemble meals
- private parties
- want to be able to bring in bottles of wine
- don't want to sell - want clients for private parties to bring in 2 bottles for each event

340A, 4041 →

- culinary classes

**Gary, Aaron**

---

**From:** Volz, David  
**Sent:** Monday, February 04, 2008 10:36 AM  
**To:** Gary, Aaron  
**Subject:** FW: Minneapolis Statute Info

Aaron, this e-mail provides some background as well as the link to the MN statute. Thanks much, and please let me know if I can provide any additional information necessary.

Dave Volz  
Office of Sen. Darling

---

**From:** Laurel Nonhof [mailto:laureln@socialegourmet.com]  
**Sent:** Thursday, January 24, 2008 12:49 PM  
**To:** Volz, David  
**Subject:** Minneapolis Statute Info

Hi David,

Thanks to you and Alberta for taking the time to listen to my situation. I appreciate Alberta's and your effort in checking into this matter.

Below is the email that I received from our Franchise headquarters located in Minneapolis, Minnesota. According to the Franchise owner, Jason Hake, they fall under the "Culinary Class" area, which allows them to be able to have the clientele to bring wine onto the premises and consume it.

Thanks again for looking into this for me. If you have any further questions, please feel free to give me a call at the store. My number is 262-253-9100.

Thanks,  
Laurel Nonhof, Owner  
Sociale Gourmet

--Original Message--

**From:** Stacey-Sociale Gourmet<stacey@socialegourmet.com>  
**To:** <laureln@socialegourmet.com>  
**CC:** <jason@socialegourmet.com>  
**Subject:** FW:Culinary Class

Hi Laurel,

Here is the statute for serving wine in a cooking class that you had talked with Jason about.

Below is a link to the statute page. You may have to copy & paste it into your browser. When you get there you want to go to the first 340A.404. That should have everthing you need.

Let me know if you have any questions or need any further information.

Thanks,  
Stacey

--Original Message--

**From:** Maria Petersen<MPetersen@cityofeagan.com>  
**To:** <stacey@socialegourmet.com>  
**Subject:** Culinary Class

[http://www.revisor.leg.state.mn.us/revisor/pages/statute/statute\\_chapter\\_toc.php?chapter=340A](http://www.revisor.leg.state.mn.us/revisor/pages/statute/statute_chapter_toc.php?chapter=340A)

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**Maria Petersen** | City Clerk/Administrative Services Coordinator | City of Eagan  
City of Eagan | 3830 Pilot Knob Road | Eagan, MN 55122 | 651-675-5034 | 651-675-5012 (Fax) |  
[mpetersen@cityofeagan.com](mailto:mpetersen@cityofeagan.com)



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**Minnesota  
Office of the Revisor of Statutes**[Legislature Home](#) | [Links to the World](#) | [Help](#) | [Advanced Search](#)[House](#) | [Senate](#) | [Joint Departments and Commissions](#) | [Bill Search and Status](#) | [Statutes, Laws, and Rules](#)  
[Minnesota Statutes Table of Chapters](#)      [Chapter 340A Table of Contents](#)**340A.4041, Minnesota Statutes 2007**

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**340A.4041 CULINARY CLASSES; ON-SALE LICENSE.**

Subdivision 1. **License authorized.** A city or county may issue a limited on-sale intoxicating liquor license to a business establishment: (1) not otherwise eligible for an on-sale intoxicating liquor license; and (2) that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. The license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six ounces of wine or 12 ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premises only.

Subd. 2. **Fee.** The issuing authority shall set the fee for a license under this section, subject to section 340A.408, subdivision 2, paragraph (a).

Subd. 3. **Application of other law.** All provisions of this chapter that apply to on-sale intoxicating liquor licenses, other than provisions inconsistent with this section, apply to licenses issued under this section, except that section 340A.409 shall not apply.

**History:** 2006 c 210 s 10

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Please direct all comments concerning issues or legislation  
to your [House Member](#) or [State Senator](#).

For Legislative Staff or for directions to the Capitol, visit the [Contact Us](#) page.

[General questions or comments.](#)

**Gary, Aaron**

---

**From:** Volz, David  
**Sent:** Monday, February 04, 2008 3:49 PM  
**To:** Gary, Aaron  
**Subject:** RE: Minneapolis Statute Info

Understood. Thanks very much for your help.

---

**From:** Gary, Aaron  
**Sent:** Monday, February 04, 2008 3:32 PM  
**To:** Volz, David  
**Subject:** RE: Minneapolis Statute Info

Thanks, Dave.

This draft is finished and in editing. It is LRB-4011. I think it'll meet your needs but differs significantly from the Minnesota statute, which actually provides for the issuance in MN of a limited purpose license allowing the cooking school to **sell** intoxicating liquor in conjunction with the cooking class.

Aaron

Aaron R. Gary  
*Legislative Attorney*  
*Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

---

**From:** Volz, David  
**Sent:** Monday, February 04, 2008 3:22 PM  
**To:** Gary, Aaron  
**Subject:** RE: Minneapolis Statute Info

Aaron,

The business does not have a liquor license.

Dave

---

**From:** Gary, Aaron  
**Sent:** Monday, February 04, 2008 2:43 PM  
**To:** Volz, David  
**Subject:** RE: Minneapolis Statute Info

Dave,

I just want to confirm, your constituent doesn't hold any type of liquor license, right?

Thanks. Aaron

02/04/2008

Soon

in 2/4

Handwritten initials

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

Gen

1 AN ACT ...; relating to: the consumption of alcohol beverages in public places.

**Analysis by the Legislative Reference Bureau**

Under current law, an owner, lessee, or person in charge of a public place may not permit the consumption of alcohol beverages on the premises of the public place unless the person has an appropriate retail license or permit. Certain exceptions exist, including for county buildings and parks, athletic fields and stadiums, school buildings, churches, state fair parks, and clubs.

This bill allows an owner, lessee, or person in charge of a public place used to conduct culinary or cooking classes to permit not more than a total of two bottles of wine to be consumed at the location where the culinary or cooking class is conducted while the culinary or cooking class is conducted.

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

2 SECTION 1. 125.09 (1) of the statutes is renumbered 125.09 (1) (a) and amended  
3 to read:

4 125.09 (1) (a) No Except as provided in par. (b), no owner, lessee, or person in  
5 charge of a public place may permit the consumption of alcohol beverages on the  
6 premises of the public place, unless the person has an appropriate retail license or

1 permit. This ~~subsection~~ paragraph <sup>✓</sup> does not apply to municipalities, buildings and  
2 parks owned by counties, regularly established athletic fields and stadiums, school  
3 buildings, churches, premises in a state fair park or clubs.

4 **History:** 1981 c. 79, 158; 1983 a. 74; 1985 a. 218; 1995 a. 77. <sup>✓</sup>

4 **SECTION 2.** 125.09 (1) (b) of the statutes is created to read:

5 125.09 (1) (b) Any owner, lessee, or person in charge of a public place used to  
6 conduct culinary or cooking classes may permit not more than a total of 2 <sup>✓</sup> bottles of  
7 wine to be consumed at the location where the culinary or cooking class <sup>✓</sup> is conducted  
8 while the culinary or cooking class is conducted.

9 (END)

*Note*

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4011/P1dn

ARG:...

kgf

Date

ATTN: Dave Volz

Please review the attached draft carefully to ensure that it is consistent with your intent.

It is unclear whether this bill is necessary to accommodate the objective of your constituent, as the relevant statute is quite ambiguous. To my knowledge, the only provision restricting your constituent from allowing clients to bring bottles of wine to a cooking class is s. 125.09 (1). The use of the term "premises" in this statute makes it ambiguous. Under s. 125.02 (14m), "premises" is limited to a location covered by an alcohol beverages license or permit. In the context of underage drinking, courts have offered a restrained view of the meaning of the term "premises" that is consistent with this definition, even if the result is to frustrate the apparent intent of s. 125.07 (1)(a) 3. Your constituent could reasonably argue that her cooking classes are not conducted on a "premises" and therefore s. 125.09 (1) wouldn't prohibit clients from bringing their own wine. This argument seems inconsistent with the intent of s. 125.09 (1) but consistent with the definition of "premises" in s. 125.02 (14m). Your constituent may wish to consider consulting with local enforcement officials or enforcement officials at the Department of Revenue on this issue or pursue a declaratory judgment action in court.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4011/P1dn  
ARG:kjf:rs

February 7, 2008

ATTN: Dave Volz

Please review the attached draft carefully to ensure that it is consistent with your intent.

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Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.wisconsin.gov

Mc u / Dave Volt - remove  
07-4011

2/14

limit

6-5830

Wanted by  
2/18  
in 2/14

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT *to renumber and amend* 125.09 (1); and *to create* 125.09 (1) (b) of the  
2 statutes; **relating to:** the consumption of alcohol beverages in public places.

***Analysis by the Legislative Reference Bureau***

Under current law, an owner, lessee, or person in charge of a public place may not permit the consumption of alcohol beverages on the premises of the public place unless the person has an appropriate retail license or permit. Certain exceptions exist, including for county buildings and parks, athletic fields and stadiums, school buildings, churches, state fair parks, and clubs.

➤ This bill allows an owner, lessee, or person in charge of a public place used to conduct culinary or cooking classes to permit ~~not more than a total of two bottles of~~ wine to be consumed at the location where the culinary or cooking class is conducted while the culinary or cooking class is conducted.

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

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6 charge of a public place may permit the consumption of alcohol beverages on the

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2 permit. This subsection paragraph does not apply to municipalities, buildings and  
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6 125.09 (1) (b) Any owner, lessee, or person in charge of a public place used to  
7 conduct culinary or cooking classes may permit not more than a total of 2 bottles of  
8 wine to be consumed at the location where the culinary or cooking class is conducted  
9 while the culinary or cooking class is conducted.

10 (END)

**Basford, Sarah**

---

**From:** Volz, David  
**Sent:** Friday, February 15, 2008 9:23 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-4011/1 Topic: Allowing consumption of wine at culinary or cooking classes

Please Jacket LRB 07-4011/1 for the SENATE.