

2009 DRAFTING REQUEST

Bill

Received: 02/06/2009

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Leon Young (608) 266-3786

By/Representing: Greg Stewart

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Adl. Drafters:

Subject: Beverages

Extra Copies:

Submit via email: YES

Requester's email: Rep.Youngl@legis.wisconsin.gov

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

Pre Topic:

No specific pre topic given

Topic:

Allowing public to carry in alcohol beverages to Milwaukee Jazz in the Park events

Instructions:

Wants treatment of s. 125.32 (6) (a) to except out temporary licenses re licensed premises; want to allow people to carry in alcohol to concerts

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 02/09/2009	csicilia 02/11/2009	mduchek 02/11/2009	_____	lparisi 02/11/2009		
/1	agary 03/31/2009	csicilia 03/31/2009	mduchek 03/31/2009	_____	sbasford 03/31/2009	sbasford 04/22/2009	

FE Sent For:

→ Not Needed

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/P1	agary	lrb_editor					
	02/09/2009						

ND ND
2/11

FE Sent For:



<END>

Gary, Aaron

From: Stewart, Greg
Sent: Friday, February 06, 2009 11:43 AM
To: Gary, Aaron
Subject: Liquor licensing bill

Aaron,

On second thought, please draft two bill bills: the Chicago approach, as we discussed; and the special exception for just this one situation.

Thanks,

Greg

Gary, Aaron

From: Stewart, Greg
Sent: Thursday, February 05, 2009 3:48 PM
To: Gary, Aaron
Subject: FW: Jazz in the Park bans carry-in alcohol - JSOnline

Attachments: Jazz in the Park fans have a whine and cheese party - JSOnline.mht



Jazz in the Park
fans have a w...

*2/6 He w/ Gary
corchase fee approach*

-----Original Message-----

From: Stewart, Greg
Sent: Thursday, February 05, 2009 3:45 PM
To: Stewart, Greg
Subject: FW: Jazz in the Park bans carry-in alcohol - JSOnline

-----Original Message-----

From: Wood, Brenda [mailto:bwood@milwaukee.gov]
Sent: Thursday, February 05, 2009 11:51 AM
To: Rep.Young
Cc: Stewart, Greg
Subject: Jazz in the Park bans carry-in alcohol - JSOnline

Representative--

I wanted to follow up to provide some information that you requested regarding temporary licenses and carry-ins to a licensed premise. I met with the manager of our License Division and she provided the following information:

1. Temporary Class B licenses are typically for nonprofits, churches etc. that hold an event. An organization can only receive a temporary license twice in a 12 month period.
2. East Town currently holds an annual Class B license because they hold events throughout the year in the park.
3. East Town has limited options because the Temporary license is restricted to 2 events and as you know carry-ins are not allowed by state law.

I am also attaching 2 Journal Sentinel articles that appeared on the issue which you may find of interest.

<http://www.jsonline.com/news/milwaukee/37777209.html>

Please let me know if you have any questions or need additional information.

Brenda M Wood
City of Milwaukee
Senior Legislative Coordinator
414-286-2371 office
414-339-9054 cell
bwood@milwaukee.gov



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Jazz in the Park bans carry-in alcohol

By [Sharif Durhams](#) of the Journal Sentinel

Posted: Jan. 18, 2009

The jazz part of this summer's Jazz in the Park season is expected to come off without a hitch.

But the part that allows you to bring your own booze to the weekly jazz festivities - well, that's over.

The East Town Association Board of Directors, which runs the weekly summer series in Cathedral Square Park, unanimously voted to ban patrons from carrying alcoholic beverages to the festivities after receiving an alert from the Milwaukee Police Department that allowing the beverages violates a state statute. The statute bans certain alcohol beverage licensees from allowing alcohol from outside on their premises.

But, of course, once you get to Jazz in the Park, you can buy any alcohol you can afford. The East Town Association holds a license that allows the sale of alcoholic beverages on the grounds, and the association plans to expand its offerings.

"It may take time for patrons to get in the habit of leaving their alcoholic beverages at home per the new beverage policy, but we are confident that they will cooperate and continue to enjoy this weekly summer tradition," said the association's executive director, Kate Borders, in a statement.

Jazz in the Park started in 1991 and is held Thursdays from June through September to promote development of the surrounding business district. The weekly concerts are free.

The concerts this season kick off June 4.

Per Wisconsin State Statute [125.32 6a](#), organizers of the Thursday evening concert series will be enforcing a no-carry-in policy that will apply to beer, wine and all other alcoholic beverages. Picnic food items will still be permitted.

Find this article at:

<http://www.jsonline.com/news/milwaukee/3777209.html>

Check the box to include the list of links referenced in the article.



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Why ban carry-ins?

By Sanford And Angela D'Amato

Posted: Jan. 28, 2009

An open letter to Milwaukee Police Chief Edward Flynn:

We are taking this opportunity to write to you about something that has been needling us for many years.

We are very familiar with Wisconsin Statute 125.32 6a, which prohibits patrons from bringing their own alcoholic beverages into a restaurant for consumption. After reading Jim Stingl's Jan. 23 column "Jazz fans uncork anger at police chief," we gotta tell you: We feel your pain (and confusion).

According to the Wisconsin Restaurant Association, the law states that licensed premises must supply an invoice proving the alcohol purchased by the restaurant is from a licensed wholesaler or manufacturer. In addition, unlicensed premises are not permitted to sell, store or consume any alcohol beverages on site. Penalties for violating this law are very stiff, with a possible fine up to \$10,000 and/or imprisonment for up to nine months for a first offense.

This law is at least as old as our first restaurant, which is nearing its 20th anniversary. Over the years, we have cited the law in response to patrons who have asked if they can bring in their own wine and asked what our "corkage fees" are or to those walking through the front door with a special bottle of wine they want to open with their dinner. The responses from our patrons have ranged from nodding understanding to downright anger and defensiveness that other restaurants in town allow it and they don't understand why we can't.

In a business that is rooted in gracious service and accommodation, this law often has made us the black sheep of the family. Loyal patrons with huge home cellars who once visited us have taken their business elsewhere, to those who allow their own "house wine" to be carried in and consumed. We have been told that the only reason we don't allow it is because we're cheap and don't want to lose the wine sale. Even a Milwaukee judge once challenged us to the law, and upon showing him written proof, he stuffed it in his pocket and we never saw him again.

The law is the law. But is it? In Stingl's column regarding Jazz in the Park, you said, "I can't tell you the Police Department is not going to enforce appropriate laws. I will tell you that when it comes to an event like this, we're going to respond to conduct. We're not doing anything pro-active."

So since we're talking about the same law, does this mean that we can start allowing patrons to bring in

their own wine as long as there is no breach in conduct? After all these years of other restaurants celebrating BYOB nights and welcoming patrons' wine from home with open arms, we finally can join the club as long as Sanford doesn't turn rowdy? If we change what we are doing and allow the home wine to flow, are we going to find ourselves eating our next meal in the pokey?

Truthfully, as long as it's the law, we are going to conduct ourselves according to that law. But you know what? We hate this law and the kind of restaurateur it turns us into. It is at the very least ungracious, and we can't understand that since taxes already have been paid on the product, who is losing?

All we want is people to walk through the door and be able to give it our all - not put an asterisk on their dining. We say let that couple who is celebrating their 20th anniversary bring in that special bottle. We say let those business diners crack open a bottle of bubbly they've saved for just that moment. And then we would do like other restaurants do in so many states around the nation, impose a corkage fee.

We say rather than beat our heads against an unlevel playing field, why doesn't Wisconsin re-examine this law? Finally, make it work for the businesses that have invested their lives opening food, liquor and entertainment venues that hold liquor licenses. There is already a culture of happy wine-toting patrons who are responsibly imbibing and not causing any trouble. And for all these years, people either didn't know about or ignored the law anyway, largely in part because it never has been enforced.

We can't expect you to know the history of this state law and its repercussions, and we hope that you receive this letter in the spirit in which it was intended. Having a restaurant in Milwaukee is a joy in many respects, but it has been clouded year after year by this hidden albatross. For all of us in the community, please definitively let us know your stance on this law that affects so many businesses so that we won't have any more mixed messages and can do the right thing.

Many thanks to you and the police force, and our sincerest wishes for safety and success in Milwaukee during 2009 and always.

Sanford and Angela D'Amato are owners of Sanford Restaurant, Coquette Cafe and Harlequin Bakery.

Find this article at:

<http://www.jsonline.com/news/opinion/38564382.html>

Check the box to include the list of links referenced in the article.



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Jim Stingl | In My Opinion

Jazz in the Park fans have a whine and cheese party

Posted: Jan. 23, 2009

It's not the usual suspects who are complaining to Milwaukee Police Chief Edward Flynn these days.

"It's the first time I've been thrown under a bus by a wine-drinking Brie-eater," he said.

Lots of them, actually. They're mad about the new beverage policy just announced for Jazz in the Park, Milwaukee's Thursday night sprawl on the lawn at Cathedral Square.

No more carry-ins of wine, beer and other alcoholic beverages will be allowed, the sponsoring East Town Association is saying. We've apparently been violating state law 125.32 6a all these years, and we can't have that.

Or can we? Flynn, who was surprised to hear the new policy, finds himself in a tricky spot.

"Listen, I can't tell you the Police Department is not going to enforce appropriate laws. I will tell you that when it comes to an event like this, we're going to respond to conduct. We're not doing anything pro-active."

Translation: The police don't care if you uncork your own bottle of wine or pop a few carry-in beers at Jazz in the Park, as long as you're peaceful and behave.

Flynn communicated this to Kate Borders, East Town's executive director, when he saw her at the fest last summer. "Against the backdrop of 19 years of no major incidents there, I certainly assured her that we weren't suddenly going to become revenueurs," Flynn said.

Borders said the free concert series and the police enjoy an excellent relationship, but she has received

mixed messages from the department, especially after last summer's disturbance and gunplay at RiverSplash, another downtown mix of people and alcohol.

"All we're saying is that the Milwaukee Police Department brought the law to our attention," Borders said.

That may well be, Flynn said, but he's trumping whoever that was. "I can tell you if you want to get a yes, you gotta go pretty high in an organization," he said.

Despite the chief's nonchalance, the East Town board decided to guard itself and the festival by taking this step to keep drinking under control at the increasingly crowded event. If something tragic or violent happens, it would come back to bite them, said Borders.

"I know people believe 100% of this was revenue-driven. That's simply not the case," she said. The festival will be happy to sell you the beer, wine and specialty drinks you used to carry in, but you won't be gouged and all proceeds go toward supporting the event, she promised.

More and more, she has noticed people wheeling huge amounts of alcohol into the park. Some area businesses have complained about drunken behavior. "It has gone far beyond the lovely couple with their bottle of Chardonnay," she said.

"We're not going to be the Gestapo and do pat-downs, I tell you that right now," Borders said. But jazz fans with ridiculous loads of booze might be asked to take it back home or to their vehicles.

I'm detecting an abundance of common sense here.

The police, led by Flynn's refreshing philosophy of leaving well enough alone, concentrate on more serious crime. The East Town Association protects its backside and the festival, hopefully without alienating its best customers.

And you, if you're reasonable about it, go right on packing a bottle of wine and a corkscrew in the picnic basket and heading to Cathedral Square to hear fine music on warm summer evenings.

Call Jim Stingl at (414) 224-2017 or e-mail at jstingl@journalsentinel.com

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- [Can we expect green to fade? Not so much](#)
- [Picking up some spares while rolling into the new year](#)
- [Polar plunging boasts long, chilly history in Milwaukee](#)

soon

in 2/9

g's

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

skt
x-ref

Gen Cat

1 AN ACT...; **relating to:** the possession and consumption of alcohol beverages on
2 retail licensed premises in a park in a 1st class city.

Analysis by the Legislative Reference Bureau

Under current law, a person may not possess, on premises covered by a retail or wholesale fermented malt beverages (beer) license or permit, any alcohol beverages not authorized by law for sale on the premises.

Under this bill, a licensee may, if the licensed premises are in a park within a 1st class city, permit customers to bring in and consume on the licensed premises beer or intoxicating liquor that was purchased elsewhere.

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

3 **SECTION 1.** 125.32 (6) (a) of the statutes is amended to read:

4 125.32 (6) (a) Except as provided in s. 125.33 (2) (o) or (12) or 125.70, and
5 subject to par. (c), no person may possess on the premises covered by a retail or
6 wholesale fermented malt beverages license or permit any alcohol beverages not
7 authorized by law for sale on the premises.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2033/P1dn

ARG:.....

js

ATTN: Greg Stewart

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

This draft is version number 2, the more specific alternative to LRB-1674. ✓

I note that the attached draft does not include a provision that notwithstanding s. 125.09 (1) because I believe the circumstances addressed in the attached draft are not covered by the language of s. 125.09 (1). ✓

Also one could argue that this legislation is unnecessary. It is possible a court might reason that s. 125.32 (6) (a) simply prohibits the possession of intoxicating liquor on premises licensed only for beer. ✓

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

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ARG:cjs:md

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Legislative Attorney
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E-mail: aaron.gary@legis.wisconsin.gov



TODAY
in 3/31
RMR
LRB-2033/P1
ARG:cjs:md
stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

3/31 - per Greg, note 1

SA ✓

No changes

Regen
Cat

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3 on retail licensed premises in a park in a 1st class city.

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7 wholesale fermented malt beverages license or permit any alcohol beverages not
8 authorized by law for sale on the premises.

Basford, Sarah

From: Stewart, Greg
Sent: Wednesday, April 22, 2009 8:31 AM
To: LRB.Legal
Subject: FW: Jacket request

Please jacket LRB 2033/1 for Rep. Leon Young's office.

Thanks,

Greg W. Stewart
Office of Rep. Leon D. Young
Chair - Assembly Housing Committee
608.266.3786 (office)
888.534.0016 (Toll-free)
608.282.3616 (fax)