

2011 DRAFTING REQUEST

Bill

Received: **06/22/2011**

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **Kathleen Bernier (608) 266-9172**

By/Representing: **Kate Stewart**

May Contact:

Drafter: **agary**

Subject: **Agriculture - other
Beverages**

Addl. Drafters: **btradewe**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Bernier@legis.wi.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Allow sale of wine and hard cider at county fair without loss of state aid; authorized winery activities at fairs

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> |
|--------------|---------------------|-----------------------|------------------------|----------------|------------------------|------------------------|-----------------|
| /? | agary 06/22/2011 | nmatzke 06/22/2011 | | _____ | | | Local |
| /1 | agary 07/14/2011 | nmatzke 07/14/2011 | rschluet 06/23/2011 | _____ | mbarman 06/23/2011 | ggodwin 07/12/2011 | Local |
| /2 | | | jfrantze 07/15/2011 | _____ | sbasford 07/15/2011 | sbasford 07/15/2011 | |

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

→ A+
Intro.

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Allow sale of wine and hard cider at county fair with fairs

Jacket requested 7/14

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| /1 | | 1/2 nwm 7/14 | rschluet 06/23/2011 | _____ | mbarman 06/23/2011 | ggodwin 07/12/2011 | |

FE Sent For:

7/15

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|--------------|----------------|-----------------|---|----------------|------------------|-----------------|-----------------|
| 1/? | agary | 1/1 nwn 6/22 |  | _____ | _____ | | |

FE Sent For:

<END>

Gary, Aaron

From: Stewart, Kate
Sent: Wednesday, June 22, 2011 1:55 PM
To: Gary, Aaron
Subject: RE: LRB2047/P2

Yes that is great.

Kate Stewart

*Office of Rep. Kathy Bernier
68th Assembly District
608.266.9172*

From: Gary, Aaron
Sent: Wednesday, June 22, 2011 1:49 PM
To: Stewart, Kate
Subject: RE: LRB2047/P2

Hi Kate, He already let me know. Did you want your draft as an introducible "/1"? Thanks. Aaron

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

From: Stewart, Kate
Sent: Wednesday, June 22, 2011 1:37 PM
To: Gary, Aaron
Subject: LRB2047/P2

Aaron,

Tom Jackson should be contacting you at some point today to release the draft of LRB-2047/P2 to our office. When he does, can we get that same language drafted for our office?

Thanks!

Kate Stewart

*Office of Rep. Kathy Bernier
68th Assembly District
608.266.9172*

6/22/2011



State of Wisconsin
2011 - 2012 LEGISLATURE

soon

in
6/22



LRB-2011-2289/1
ARC:nwn:rs
ERCT

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

RMNR

No changes

Regen.

1 AN ACT *to amend* 93.23 (1) (e), 125.51 (10), 125.53 (1) and 125.69 (1) (b) 1.; and
2 *to create* 125.69 (1) (b) 5. of the statutes; **relating to:** temporary alcohol
3 beverages licenses issued for fairgrounds and eligibility for state aid for fairs.

Analysis by the Legislative Reference Bureau

Current law authorizes municipalities to issue temporary "Class B" licenses to certain clubs, fair associations, agricultural societies, churches, veterans organizations, lodges, and societies that authorize the retail sale of wine (including cider) at fairs, meetings, picnics, and similar gatherings hosted by these organizations. A municipality may not issue to one of these organizations more than two temporary "Class B" licenses in any 12-month period. A temporary "Class B" license authorizes the retail sale of wine by the glass or in an original package, container, or bottle. A license issued to a fair association licenses the entire fairgrounds where the fair is being conducted and all persons engaged in retail sales of wine from leased stands on the fairgrounds.

Current law generally prohibits a winery holding a winery permit from having a direct or indirect interest in a "Class B" retail license or establishment. However, a winery may hold one "Class B" retail license, authorizing the sale of wine only, issued for the winery premises or for real estate owned or leased by the winery.

This bill authorizes a winery to make retail sales and provide taste samples of wine on fairgrounds, under the "Class B" license issued to the fair association, if the wine is purchased by the winery from a wholesaler. Under the bill, if a fair leases a stand to a winery, the winery may make retail sales of wine from the leased stand and may provide taste samples anywhere on the fairgrounds of wine manufactured by the winery.

Also, under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) distributes aid to county fairs and certain other fairs. One condition for receiving this aid is that intoxicating beverages, except for malt beverages, be excluded from the fairgrounds.

This bill changes the condition relating to beverages at fairs so that DATCP may distribute aid to an otherwise eligible fair at which wine is available.

For further information see the *local* 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:

1 **SECTION 1.** 93.23 (1) (e) of the statutes is amended to read:

2 93.23 (1) (e) Not later than 30 days after the close of the fair each year the
3 county clerk, or the person appointed to file the statements under this paragraph by
4 the county board, agricultural society, association, or board claiming state aid, shall
5 file with the department, on forms provided by the department, an itemized
6 statement verified on oath, showing net premiums actually paid or to be paid at the
7 preceding fair, which must correspond with uniform premium lists and other
8 requirements under par. (a). The statement shall also include a statement that at
9 the fair all gambling devices whatsoever, the sale of intoxicating liquors, excepting
10 fermented malt beverage, as defined in s. 125.02 (6), and wine, as defined in s. 125.02
11 (22), and exhibitions of immoral character were prohibited and excluded from the
12 fairgrounds and all adjacent grounds under the authority or control of the county
13 board, agricultural society, association, or board claiming state aid. On or before
14 December 31 of the year in which the fair is held, the person filing the statements
15 under this paragraph shall furnish the department a statement of receipts and
16 disbursements, attendance, and any other information that the department
17 requires. Upon receipt of the required report, each fair shall be paid 100%, or the
18 prorated percentage, of the aid due the preceding year.

1 **SECTION 2.** 125.51 (10) of the statutes is amended to read:

2 125.51 **(10)** TEMPORARY LICENSES. Notwithstanding s. 125.68 (3), temporary
3 “Class B” licenses may be issued to bona fide clubs, to county or local fair associations
4 or agricultural societies, to churches, lodges or societies that have been in existence
5 for at least 6 months before the date of application and to posts of veterans’
6 organizations authorizing the sale of wine in an original package, container or bottle
7 or by the glass if the wine is dispensed directly from an original package, container
8 or bottle at a particular picnic or similar gathering, at a meeting of the post, or during
9 a fair conducted by the fair association or agricultural society. The amount of the fee
10 for the license shall be \$10, except that no fee may be charged to a person who at the
11 same time applies for a temporary Class “B” license under s. 125.26 (6) for the same
12 event. A license issued to a county or district fair licenses the entire fairgrounds
13 where the fair is being conducted and all persons engaging in retail sales of wine from
14 leased stands on the fairgrounds. The county or district fair to which the license is
15 issued may lease stands on the fairgrounds to persons who may engage in retail sales
16 of wine from the stands while the fair is being held. If a county or district fair leases
17 any stand to a winery holding a permit under s. 125.53, in addition to making retail
18 sales of wine from the leased stand, the winery may provide taste samples anywhere
19 on the fairgrounds of wine manufactured by the winery. Not more than 2 licenses
20 may be issued under this subsection to any club, county or local fair association,
21 agricultural association, church, lodge, society or veterans post in any 12-month
22 period.

23 **SECTION 3.** 125.53 (1) of the statutes is amended to read:

24 125.53 **(1)** The department shall issue only to a manufacturing winery in this
25 state that holds a valid certificate issued under s. 73.03 (50) a winery permit

1 authorizing the manufacture and bottling of wine on the premises covered by the
2 permit for sale to wholesalers holding a permit under s. 125.54. A winery permit also
3 authorizes the permittee to, on the winery premises and without obtaining a
4 rectifier's permit, possess intoxicating liquor and mix or blend intoxicating liquor to
5 produce wine sold to wholesalers holding a permit under s. 125.54. A winery holding
6 a permit under this section may offer on the premises taste samples of wine
7 manufactured on the premises to persons who have attained the legal drinking age.
8 A permittee under this section may also have either one "Class A" license or one
9 "Class B" license, but not both. The "Class A" license or "Class B" license may either
10 be issued for the winery premises or for real estate owned or leased by the winery.
11 If a "Class A" or "Class B" liquor license has also been issued to the winery, the winery
12 may provide wine manufactured, mixed, or blended on the winery premises directly
13 to the "Class A" or "Class B" premises and may offer the taste samples on the "Class
14 A" or "Class B" premises. A winery holding a permit under this section may also
15 make retail sales and provide taste samples on county or district fair fairgrounds as
16 provided in s. 125.51 (10), but this wine sold at retail or provided as taste samples
17 shall be purchased by the winery from a wholesaler holding a permit under s. 125.54.

18 **SECTION 4.** 125.69 (1) (b) 1. of the statutes is amended to read:

19 125.69 (1) (b) 1. Except as provided under ~~subd. subds. 4. and 5.~~, no intoxicating
20 liquor manufacturer, rectifier, winery, out-of-state shipper permittee, or wholesaler
21 may hold any direct or indirect interest in any "Class B" license or permit or
22 establishment or "Class C" license or establishment and no "Class B" licensee or
23 permittee or "Class C" licensee may hold any direct or indirect interest in a
24 manufacturer, rectifier, winery, out-of-state shipper, or wholesale permit or
25 establishment.

Godwin, Gigi

From: Stewart, Kate

Sent: Tuesday, July 12, 2011 1:57 PM

To: LRB.Legal

Subject: Draft Review: LRB 11-2289/1 Topic: Allow sale of wine and hard cider at county fair without loss of state aid; authorized winery activities at fairs

Please Jacket LRB 11-2289/1 for the ASSEMBLY.

7/12/2011

Gary, Aaron

From: Stewart, Kate

Sent: Thursday, July 14, 2011 2:19 PM

To: Gary, Aaron

Subject: LRB 2289

Aaron,

Can you make the change to LRB 2289 that you discussed with Tom Jackson?

Thanks!

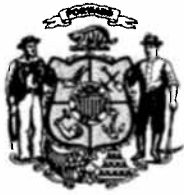
Kate Stewart

Office of Rep. Kathy Bernier

68th Assembly District

608.266.9172

7/14/2011



Wanted
by 7/15
p.m.



RMNR

2011 BILL

m
7/14

only changes p. 1, 4

Regen.

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*

BILL

and may provide taste samples anywhere on the fairgrounds of wine manufactured by the winery.

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7 preceding fair, which must correspond with uniform premium lists and other
8 requirements under par. (a). The statement shall also include a statement that at
9 the fair all gambling devices whatsoever, the sale of intoxicating liquors, excepting
10 fermented malt beverage, as defined in s. 125.02 (6), and wine, as defined in s. 125.02
11 (22), and exhibitions of immoral character were prohibited and excluded from the
12 fairgrounds and all adjacent grounds under the authority or control of the county
13 board, agricultural society, association, or board claiming state aid. On or before
14 December 31 of the year in which the fair is held, the person filing the statements
15 under this paragraph shall furnish the department a statement of receipts and
16 disbursements, attendance, and any other information that the department

BILL

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2 prorated percentage, of the aid due the preceding year.

3 **SECTION 2.** 125.51 (10) of the statutes is amended to read:

4 125.51 (10) TEMPORARY LICENSES. Notwithstanding s. 125.68 (3), temporary
5 "Class B" licenses may be issued to bona fide clubs, to county or local fair associations
6 or agricultural societies, to churches, lodges or societies that have been in existence
7 for at least 6 months before the date of application and to posts of veterans'
8 organizations authorizing the sale of wine in an original package, container or bottle
9 or by the glass if the wine is dispensed directly from an original package, container
10 or bottle at a particular picnic or similar gathering, at a meeting of the post, or during
11 a fair conducted by the fair association or agricultural society. The amount of the fee
12 for the license shall be \$10, except that no fee may be charged to a person who at the
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15 where the fair is being conducted and all persons engaging in retail sales of wine from
16 leased stands on the fairgrounds. The county or district fair to which the license is
17 issued may lease stands on the fairgrounds to persons who may engage in retail sales
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19 any stand to a winery holding a permit under s. 125.53, in addition to making retail
20 sales of wine from the leased stand, the winery may provide taste samples anywhere
21 on the fairgrounds of wine manufactured by the winery. Not more than 2 licenses
22 may be issued under this subsection to any club, county or local fair association,
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BILL

SECTION 3

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4 permit for sale to wholesalers holding a permit under s. 125.54. A winery permit also
5 authorizes the permittee to, on the winery premises and without obtaining a
6 rectifier's permit, possess intoxicating liquor and mix or blend intoxicating liquor to
7 produce wine sold to wholesalers holding a permit under s. 125.54. A winery holding
8 a permit under this section may offer on the premises taste samples of wine
9 manufactured on the premises to persons who have attained the legal drinking age.
10 A permittee under this section may also have either one "Class A" license or one
11 "Class B" license, but not both. The "Class A" license or "Class B" license may either
12 be issued for the winery premises or for real estate owned or leased by the winery.
13 If a "Class A" or "Class B" liquor license has also been issued to the winery, the winery
14 may provide wine manufactured, mixed, or blended on the winery premises directly
15 to the "Class A" or "Class B" premises and may offer the taste samples on the "Class
16 A" or "Class B" premises. A winery holding a permit under this section may also
17 make retail sales and provide taste samples on county or district fair fairgrounds as
18 provided in s. 125.51 (10), but this wine sold at retail or provided as taste samples
19 shall be purchased by the winery from a wholesaler holding a permit under s. 125.54.

20 **SECTION 4.** 125.69 (1) (b) 1. of the statutes is amended to read:

21 125.69 (1) (b) 1. Except as provided under ~~subd.~~ subds. 4. and 5., no intoxicating
22 liquor manufacturer, rectifier, winery, out-of-state shipper permittee, or wholesaler
23 may hold any direct or indirect interest in any "Class B" license or permit or
24 establishment or "Class C" license or establishment and no "Class B" licensee or
25 permittee or "Class C" licensee may hold any direct or indirect interest in a

BILL

1 manufacturer, rectifier, winery, out-of-state shipper, or wholesale permit or
2 establishment.

3 **SECTION 5.** 125.69 (1) (b) 5. of the statutes is created to read:

4 125.69 (1) (b) 5. A winery that has a permit under s. 125.53 may make retail
5 sales and provide taste samples on county or district fair fairgrounds, as provided in
6 s. 125.51 (10), under a "Class B" license issued under s. 125.51 (10) to a county or local
7 fair association.

8 (END)