

SENATE BILL 395 (LRB -3101)

An Act to renumber and amend 125.06 (3); to amend 125.06 (3) (title); to repeal and recreate 139.04 (1); and to create 125.02 (6m), 125.06 (3) (a) 2. and 3. and (b) and 125.06 (3m) of the statutes; relating to: homemade wine and fermented malt beverages. (FE)

2012

01-20.	S.	Introduced by Senators Ellis, Lazich, Harsdorf, Wanggaard, Kedzie and Grothman ; cosponsored by Representatives Kaufert, Kooyenga, Brooks, Pasch, Kestell, Wynn, Thiesfeldt, Pocan, Pridemore, Spanbauer, C. Taylor, Van Roy, Honadel and Bernard Schaber .	
01-20.	S.	Read first time and referred to committee on Energy, Biotechnology, and Consumer Protection	662
01-31.	S.	Fiscal estimate received.	
01-31.	S.	Public hearing held.	
02-01.	S.	Representative Litjens added as a cosponsor	682
02-07.	S.	Executive action taken.	
02-07.	S.	Report passage recommended by committee on Energy, Biotechnology, and Consumer Protection, Ayes 5, Noes 0	688
02-07.	S.	Available for scheduling.	
02-13.	S.	Placed on calendar 2-14-2012 pursuant to Senate Rule 18(1)	698
02-14.	S.	Read a second time	707
02-14.	S.	Ordered to a third reading	707
02-14.	S.	Rules suspended	707
02-14.	S.	Read a third time and passed , Ayes 32, Noes 1	707
02-14.	S.	Ordered immediately messaged	708
02-16.	A.	Received from Senate	802
02-20.	A.	Read first time and referred to committee on Rules	820
03-02.	A.	Placed on calendar 3-6-2012 by committee on Rules.	
03-06.	A.	Assembly amendment 1 offered by Representatives Kaufert and Danou (LRB a2572)	874
03-06.	A.	Assembly amendment 2 offered by Representative Kaufert (LRB a2622)	874
03-06.	A.	Made a special order of business at 11:59 A.M. on 3-13-2012 pursuant to Assembly Resolution 22	896
03-15.	A.	Read a second time.	
03-15.	A.	Representatives Roys, Barca, Hebl, Richards, Milroy, Clark, Hulsey, Seidel, E. Coggs, Mason, Knilans, Vos, Bernier, Knudson, Kuglitsch, Weininger, Steineke, Kleefisch, Rivard, Bewley, Billings, Jacque, Bies and Petersen added as cosponsors.	
03-15.	A.	Assembly amendment 1 adopted . ✓	
03-15.	A.	Assembly amendment 2 adopted . ✓	
03-15.	A.	Ordered to a third reading.	
03-15.	A.	Rules suspended.	
03-15.	A.	Read a third time and concurred in as amended.	
03-15.	A.	Ordered immediately messaged.	
03-14.	S.	Received from Assembly amended and concurred in as amended, Assembly amendment 1 adopted. ✓	
03-14.	S.	Received from Assembly amended and concurred in as amended, Assembly amendment 2 adopted. ✓	
03-14.	S.	Available for scheduling.	
03-14.	S.	Senator Carpenter added as a coauthor. .	
03-14.	S.	Rules suspended and taken up. .	
03-14.	S.	Assembly amendment 1 concurred in . ✓	
03-14.	S.	Assembly amendment 2 concurred in . ✓	
03-14.	S.	Action ordered immediately messaged.	

SB

2011
ENROLLED BILL

11en S B-395

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

11 - 3101/1 ✓

Amendments to above (if none, write "NONE"): AA1 — a2572/1 ✓

AA2 — a2622/1 ✓

Corrections - show date (if none, write "NONE"): ~~CC~~

CCC in enrolling (CC to AA1 3/20/12)

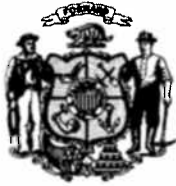
Topic Rel

3-15-12

Date

JRMilly

Enrolling Drafter



2011 SENATE BILL 395

January 20, 2012 - Introduced by Senators ELLIS, LAZICH, HARSDOFF, WANGGAARD, KEDZIE and GROTHMAN, cosponsored by Representatives KAUFERT, KOYENGA, BROOKS, PASCH, KESTELL, WYNN, THIESFELDT, POCAN, PRIDEMORE, SPANBAUER, C. TAYLOR, VAN ROY, HONADEL and BERNARD SCHABER. Referred to Committee on Energy, Biotechnology, and Consumer Protection.

1 **AN ACT to renumber and amend 125.06 (3); to amend 125.06 (3) (title); to**
2 **repeal and recreate 139.04 (1); and to create 125.02 (6m), 125.06 (3) (a) 2.**
3 **and 3. and (b) and 125.06 (3m) of the statutes; relating to: homemade wine and**
4 **fermented malt beverages.**

Analysis by the Legislative Reference Bureau

Under current law, a person is not required to hold a license or permit to make wine or fermented malt beverages (beer) at his or her home, farm, or place of residence if the wine or beer is to be consumed by the person or his or her family and guests and if the person receives no compensation. Also under current law, a person is not required to pay an occupational tax on wine or beer made at home solely for consumption at home by the person's family and guests, without compensation.

This bill significantly modifies the standards for the production and use of homemade wine and beer for which a license or permit is not required and for which occupational taxes are not owed. Under the bill, "homemade" wine and beer is wine and beer made by a person's own efforts and not for a commercial purpose, and is not limited to wine or beer made in the person's home. Under the bill, no license or permit is required for the making of homemade wine or beer, and the possession, transportation, or storage of homemade wine or beer, if all of the following apply: 1) the person who makes the wine or beer receives no compensation; 2) the wine or beer is not sold or offered for sale; and 3) the total quantity of wine or beer made by the person and any other person living in the same household does not exceed 100 gallons or 200 gallons per calendar year, depending on how many persons of legal drinking

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age live in the household. If wine or beer is made in compliance with these requirements, this homemade wine or beer may also be used, without any license or permit, for purposes of exhibition, demonstration, judging, tasting, or sampling or as part of a contest or competition (collectively "home maker's event").

The bill also allows a person, including an alcohol beverage retailer or other permit holder, to conduct, sponsor, or host, at a public or private place under the control of the person, a home maker's event if the person does not sell, or acquire any ownership interest in, the homemade wine or beer.

Under the bill, homemade wine or beer made in compliance with the requirements identified as items 1 to 3 above is exempt from the occupational tax.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

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:

1 **SECTION 1.** 125.02 (6m) of the statutes is created to read:

2 125.02 **(6m)** "Homemade," with respect to the making of wine and fermented
3 malt beverages, means wine and fermented malt beverages made by a person's own
4 efforts and not for a commercial purpose, but does not require that the wine or
5 fermented malt beverages be made in the person's home.

6 **SECTION 2.** 125.06 (3) (title) of the statutes is amended to read:

7 125.06 **(3)** (title) ~~HOMEMADE~~ THE MAKING OF HOMEMADE WINE OR FERMENTED MALT
8 BEVERAGES.

9 **SECTION 3.** 125.06 (3) of the statutes is renumbered 125.06 (3) (a) (intro.) and
10 amended to read:

11 125.06 **(3)** (a) (intro.) The ~~manufacture of~~ making of homemade wine or
12 fermented malt beverages ~~of any alcoholic content, and the possession,~~
13 transportation, or storage of homemade wine or fermented malt beverages, by any
14 person at his or her home, farm or place of residence if the wine or fermented malt

1 ~~beverages is to be consumed by that person or his or her family and guests, and if the~~
2 if all of the following apply:

3 1. ~~The person manufacturing who makes~~ the wine or fermented malt beverages
4 receives no compensation.

INS. AA1-1 ✓✓

5 SECTION 4. 125.06 (3) (a) 2. and 3. and (b) of the statutes are created to read:

6 125.06 (3) (a) 2. The wine or fermented malt beverages are not sold or offered
7 for sale.

8 3. The total quantity of wine or fermented malt beverages made, in a calendar
9 year, by the person and any other person living in the same household does not exceed
10 100 gallons if the household has only one person of legal drinking age or 200 gallons
11 if the household has 2 or more persons of legal drinking age.

12 (b) A person who makes, possesses, transports, or stores homemade wine or
13 fermented malt beverages in compliance with the limitations specified in par. (a) is
14 not a brewer or a manufacturer of wine for purposes of this chapter.

INS. AA1-2 ✓✓

15 SECTION 5. 125.06 (3m) of the statutes is created to read:

16 125.06 (3m) THE USE OF HOMEMADE WINE OR FERMENTED MALT BEVERAGES FOR
17 COMPETITIONS OR EXHIBITIONS OR SIMILAR PURPOSES. (a) The use of homemade wine or
18 fermented malt beverages made in compliance with the limitations specified in sub.
19 (3) (a) for purposes of exhibition, demonstration, judging, tasting, or sampling or as
20 part of a contest or competition. Homemade wine or fermented malt beverages used

INS. AA1-3 ✓✓

21 for purposes described in this paragraph, including the submission or consumption
22 of such wine or fermented malt beverages, are not considered sold or offered for sale
23 under sub. (3) (a) 2. and any prize awarded at a contest or competition or as a result
24 of an exhibition, demonstration, judging, tasting, or sampling is not considered
25 compensation under sub. (3) (a) 1.

INS. AA1-4 ✓✓

SENATE BILL 395

AAI-5 ✓

1

(b) Notwithstanding ss. 125.09 (1), 125.14 (5), 125.315, 125.32 (6) (a), 125.34

2

(2) and (5), and 125.67, a person, including a licensee or permittee under this chapter,

3

may conduct, sponsor, or host, at a public or private place under the control of the

INS. AAI-6 ✓

4

person, a contest, competition, or other event for the exhibition, demonstration,

INS AAI-7 ✓

5

judging, tasting, or sampling of homemade wine or fermented malt beverages made

6

in compliance with the limitations specified in sub. (3) (a) if the person does not sell

7

the wine or fermented malt beverages and, unless the person is the maker of the wine

8

or fermented malt beverages, does not acquire any ownership interest in the wine

INS. AAI-8 ✓

9

or fermented malt beverages. If the contest, competition, or other event is held on

INS. AAI-9 ✓

10

premises for which a license or permit has been issued under this chapter, the

11

licensee or permittee may allow the homemade wine or fermented malt beverages to

12

be stored on the premises if the homemade wine or fermented malt beverages are

13

clearly identified and kept separate from any alcohol beverages owned by the

14

licensee or permittee. If the contest, competition, or other event is held on premises

AAI-12 ✓

15

for which a license or permit has been issued under this chapter, the provisions of ss.

INS. AAI-10 ✓

16

125.32 (7) and 125.68 (9) (e) do not apply with respect to the homemade wine or

AAI-14 ✓

17

fermented malt beverages.

INS. AAI-13 ✓

INS. AA2-1 ✓

18

SECTION 6. 139.04 (1) of the statutes is repealed and recreated to read:

19

139.04 (1) Wine, as defined in s. 125.02 (22), or fermented malt beverages made

20

in compliance with the limitations specified in s. 125.06 (3) (a).

INS. AA2-2 ✓

21

SECTION 7. Effective date.

22

(1) This act takes effect on the first day of the 3rd month beginning after

23

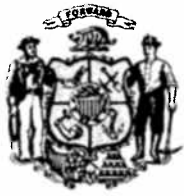
publication.

24

(END)

EDITOR : ENTER CORR IN ENROLLING =
ITEM 10 SHOULD READ "PAGE 4, LINE 15"

*



State of Wisconsin
2011-2012 LEGISLATURE

CORRECTIONS IN:

**ASSEMBLY AMENDMENT 1,
TO 2011 SENATE BILL 395**

Prepared by the Legislative Reference Bureau
(March 20, 2012)

In enrolling, the following corrections was made:

- 1.** Page 2, line 16: delete "10" and substitute "15".

NOTE: Corrects line number.

(END)



ASSEMBLY AMENDMENT 1,
TO 2011 SENATE BILL 395

March 6, 2012 – Offered by Representatives KAUFERT and DANOU.

1 At the locations indicated, amend the bill as follows:

2 ✓✓ 1. Page 3, line 5: delete “and (b)” and substitute “(b) and (c)”. AA1-1

3 ✓✓ 2. Page 3, line 14: after that line insert: AA1-2

4 “(c) Homemade wine or fermented malt beverages made in compliance with the
5 limitations specified in par. (a) may be consumed by the person who made it and his
6 or her family, neighbors, and friends at any private residence or other private
7 location where the possession and consumption of alcohol is permissible under this
8 chapter, local ordinances, and other applicable law. This paragraph does not apply
9 to licensed premises.”

10 ✓✓ 3. Page 3, line 20: after “competition” insert “, if the exhibition, demonstration,
11 judging, tasting, sampling, contest, or competition is held at a private residence or
12 on a licensed premises.” AA1-3

AA1-4

1 ✓✓ 4. Page 3, line 25: after "1." insert ", but no fee may be charged for consumption
2 of the homemade wine or fermented malt beverages at the exhibition,
3 demonstration, judging, tasting, sampling, contest, or competition."

4 ✓✓ 5. Page 4, line 1: delete "125.09 (1),"

5 ✓✓ 6. Page 4, line 2: delete the material beginning with "person," and ending with
6 "may" on line 3 and substitute "person who is not a licensee under this chapter may
7 at a private residence, and a person who is a licensee under this chapter may on the
8 licensed premises."

AA1-6

9 ✓✓ 7. Page 4, line 3: delete the material beginning with "host," and ending with
10 "person," on line 4 and substitute "host".

AA1-7

AA1-8

11 ✓✓ 8. Page 4, line 9: after "beverages." insert "No fee may be charged for
12 consumption of homemade wine or fermented malt beverages at the contest,
13 competition, or other event".

14 ✓✓ 9. Page 4, line 10: delete "premises for which a license or permit has been
15 issued under this chapter," and substitute "licensed premises,".

CCC in enrolling

AA1-9

16 ✓✓ 10. Page 4, line ~~10~~¹⁵: delete "for which a license or permit has been issued under
17 this chapter," and substitute "licensed premises,".

AA1-10

18 ✓✓ 11. Page 4, line 11: on lines 11 and 14, delete "or permittee".

19 ✓✓ 12. Page 4, line 14: delete "premises".

AA1-13

20 ✓✓ 13. Page 4, line 17: after "beverages." insert "If the contest, competition, or
21 other event is held on licensed premises, the licensee shall comply with all provisions
22 of this chapter and local ordinances that would apply if the fermented malt beverages

1 or wine were not homemade, except those provisions made specifically inapplicable
2 under this paragraph”.

3 ✓✓ **14.** Page 4, line 17: after that line insert:

AA1-14

4 SECTION 5m. 125.10 (1) of the statutes is amended to read:

5 125.10 (1) AUTHORIZATION. Any municipality may enact regulations
6 incorporating any part of this chapter and may prescribe additional regulations for
7 the sale of alcohol beverages, not in conflict with this chapter. The municipality may
8 prescribe forfeitures or license suspension or revocation for violations of any such
9 regulations. Regulations providing forfeitures or license suspension or revocation
10 must be adopted by ordinance. Any municipality may, by ordinance, regulate
11 contests, competitions, or other events for the exhibition, demonstration, judging,
12 tasting, or sampling of homemade wine or fermented malt beverages.”.

13 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2622/1
ARG:jld:imp

ASSEMBLY AMENDMENT 2,
TO 2011 SENATE BILL 395

March 6, 2012 – Offered by Representative KAUFERT.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 4, line 18: after “statutes” insert “, as affected by 2011 Wisconsin Act
3 ... (Assembly Bill 290),”.

4 ✓ 2. Page 4, line 20: after “(a)” insert “, (3g), (3r), or (4)”.

5 (END)

AA2-1

AA2-2