

2011 DRAFTING REQUEST

Assembly Amendment (AA-SB395)

Received: 03/02/2012

Received By: agary

Wanted: As time permits

Companion to LRB:

For: Dean Kaufert (608) 266-5719

By/Representing: Adam Field

May Contact:

Drafter: agary

Subject: Beverages

Addl. Drafters:

Extra Copies:

Submit via email: YES

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

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

Pre Topic:

No specific pre topic given

Topic:

Changes relating to home brewing and home winemaking

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>
/?							
/P1	agary 03/02/2012	csicilia 03/05/2012	phenry 03/05/2012	_____	lparisi 03/05/2012		
/1	agary 03/06/2012	mduchek 03/06/2012	jfrantze 03/06/2012	_____	lparisi 03/06/2012	lparisi 03/06/2012	

FE Sent For:

<END>

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FE Sent For:

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/? agary

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FE Sent For:

<END>

Gary, Aaron

From: Gary, Aaron
Sent: Friday, March 02, 2012 3:47 PM
To: Field, Adam
Subject: RE: Amendment to SB 395 Homebrew Bill

One more question:

For item 2., when you say no fee can be charged "for consumption", did you intend to leave open charging an *admission* fee to the event where alcohol might be consumed? Or was this meant to cover both a direct fee for consumption and an indirect fee for admission?

On item 3., I did include some clarifying language that the homebrew can be consumed with friends, family, and neighbors in a private residence or other private location. Is that OK?

Thanks. Aaron

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

From: Gary, Aaron
Sent: Friday, March 02, 2012 3:12 PM
To: Field, Adam
Subject: RE: Amendment to SB 395 Homebrew Bill

Hi Adam,
I have entered this amendment request as LRBa2572.

On item 3., you are correct - the bill already allows transportation of the homemade beer or wine. See p. 2, line 13. So I won't include item 3. (I believe that adding item 3. would cause confusion by possibly *limiting* what is already in the bill.)

On item 2., I believe this is already covered in SB-395 and that this change is not necessary. However, I understand that this is probably a significant issue and I will, through the amendment, try to make it *more explicit* in the bill.

On item 1., is it your intent to give municipalities ordinance authority over home brew association events? How about home brew events that are not officially sponsored by an association?

Finally, I think we previously discussed the fact that, if AB-290 and SB-395 both pass in current form, there will be a conflict. (AB-290 has passed both houses and is awaiting the governor's signature.) I have drafted an amendment to SB-395 to reconcile this conflict, which amendment is attached. (It is an internal LRB draft.) Do you want to add that amendment into LRBa2572? Or have me draft it for Rep. Kaufert as a separate amendment?

Thanks. Aaron << File: 11a2347_P101.pdf >>

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)

608.264.6948 (fax)

aaron.gary@legis.state.wi.us

From: Field, Adam
Sent: Friday, March 02, 2012 11:29 AM
To: Gary, Aaron
Subject: Amendment to SB 395 Homebrew Bill

Hi Aaron,

We would like an Assembly amendment to SB 395 to include the following provisions:

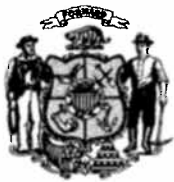
1. Any events involving home brew associations must conform with local ordinances
2. Home Brew tastings outside of a private residence shall occur on a licensed premise and comply with all state and local laws. A fee can not be charged for consumption
3. It is legal to transport homemade beer and wine to provide free of charge to neighbors or friends

... Though I'm not sure point 3 is necessary because that is the basic premise of the bill itself. Please let me know if you think that one is needed.

Thanks,

Adam

Adam R. Field
Office of Rep. Dean Kaufert
Wisconsin State Assembly



in 3/2
needed
Mon. 3/5
10:00 AM

D-note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 2011 SENATE BILL 395

follow
⑨ #. Page 3, line 5: delete "and (b)"
and substitute "par. (b) and (c)"

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

2 1. Page 3, line 14: after that line insert:

3 "c) Homemade wine or fermented malt beverages made in compliance with the
4 limitations specified in sub. (3)(a) may be consumed by the person who made it and
5 his or her family, neighbors, and friends at any private residence or other private
6 location where the possession and consumption of alcohol is permissible under this
7 chapter, local ordinances, and other applicable law. This paragraph does not apply
8 to licensed premises."

9 2. Page 3, line 20: after "competition" insert "if the exhibition, demonstration,
10 judging, tasting, sampling, contest, or competition is held at a private residence or
11 on a licensed premises".

1 **3.** 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 **4.** Page 4, line 1: delete “125.09 (1),”. ✓

5 **5.** 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,”. ✓

9 **6.** Page 4, line 3: delete the material beginning with “host,” and ending with
10 “person,” on line 4 and substitute “host”. ✓

11 **7.** 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 **8.** Page 4, line 10: delete “premises for which a license or permit has been
15 issued under this chapter,” and substitute “licensed premises,”. ✓

16 **9.** Page 4, line 11: on lines 11 and 14, delete “or permittee”. ✓

17 **10.** Page 4, line 14: delete “premises”. ✓

18 **11.** Page 4, line 10: delete “for which a license or permit has been issued under
19 this chapter,” and substitute “licensed premises,”. ✓

20 **12.** 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 **13.** Page 4, line 17: after that line insert:

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 **History:** 1981 c. 79, 202; 1983 a. 74 ss. 19, 32; 1985 a. 28 ss. 5, 9; 1987 a. 168; 1989 a. 31, 253; 1991 a. 39; 1993 a. 208; 2007 a. 20; 2011 a. 32.

(END)

D-note

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

LRBa2572/P1dn

ARG:j:....

gj

date

ATTN: Adam Field

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

I note that this draft does not include the provision to reconcile SB-395 with AB-290.

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.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2572/P1dn
ARG:cjs:ph

March 5, 2012

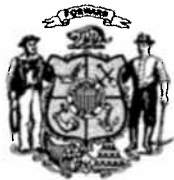
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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us



(NOW)



LRBa2572/1
ARG:cjs:ph

2/6 - per Adam - wants / 1

Stays
RMA

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

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

Bhv

No changes

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 3, line 5: delete “and (b)” and substitute “, (b) and (c)”.
- 3 **2.** Page 3, line 14: after that line insert:
- 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.”.
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13 (END)