

2015 Senate Bill 236 (LRB -2844)

An Act to renumber and amend 125.51 (10); to amend 125.26 (6) and 125.51 (3) (f); and to create 125.02 (3u), 125.32 (3m) (j) and 125.51 (10) (b) of the statutes; relating to: temporary alcohol beverage retail licenses. (FE)

2015

08-24.	S.	Introduced by Senators Marklein, Olsen, Gudex, Petrowski and Ringhand ; cosponsored by Representatives Ripp, E. Brooks, Considine, Ballweg, Hesselbein, Kahl, Subeck, Tranel, Danou, Jorgensen, Kooyenga, Murphy, Novak, Ohnstad and Petryk	392
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09-04.	S.	Senate Amendment 1 offered by Senator Marklein (LRB a0746)	402
09-08.	S.	Representative Loudenbeck added as a cosponsor	404
09-08.	S.	Fiscal estimate received	
09-08.	S.	Executive action taken	
09-10.	S.	Report adoption of Senate Amendment 1 recommended by Committee on Revenue, Financial Institutions, and Rural Issues, Ayes 5, Noes 0	408
09-10.	S.	Report passage as amended recommended by Committee on Revenue, Financial Institutions, and Rural Issues, Ayes 5, Noes 0	409
09-10.	S.	Available for scheduling	
09-15.	S.	Placed on calendar 9-16-2015 pursuant to Senate Rule 18(1)	414
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09-24.	S.	Received from Assembly concurred in	

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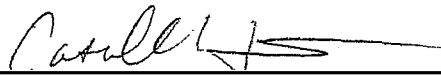
ADOPTED DOCUMENTS:

Orig Engr SubAmdt 15 -2844/1

Amendments to above (if none, write "NONE"): SA 1 (20746/1)

Corrections - show date (if none, write "NONE"): NONE ²¹ ₁₁₅

Topic RELATING CLAUSE

9/29/15 
Date Enrolling Drafter



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2844/1
ARG:jld/wlj/klm

2015 SENATE BILL 236

August 24, 2015 – Introduced by Senators MARKLEIN, OLSEN, GUDEx, PETROWSKI and RINGHAND, cosponsored by Representatives RIPP, E. BROOKS, CONSIDINE, BALLWEG, HESSELBEIN, KAHL, SUBECK, TRANEL, DANOU, JORGENSEN, KOoyENGA, MURPHY, NOVAK, OHNSTAD and PETRYK. Referred to Committee on Revenue, Financial Institutions, and Rural Issues.

1 AN ACT *to renumber and amend* 125.51 (10); *to amend* 125.26 (6) and 125.51
2 (3) (f); and *to create* 125.02 (3u), 125.32 (3m) (j) and 125.51 (10) (b) of the
3 statutes; **relating to:** temporary alcohol beverage retail licenses.

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Analysis by the Legislative Reference Bureau

This bill allows municipalities to issue temporary alcohol beverage retail licenses for certain multiple-location events and also allows temporary alcohol beverage retail licenses to be issued to local chambers of commerce.

Under current law, with limited exceptions, no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. Current law authorizes municipalities to issue temporary Class “B” and “Class B” licenses to certain clubs, fair associations, agricultural societies, churches, veterans organizations, lodges, and societies that authorize the retail sale of, respectively, fermented malt beverages (beer) and wine 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” (wine) licenses in any 12-month period, but there is no such limit on issuance of Class “B” (beer) licenses.

This bill authorizes municipalities to issue temporary Class “B” and “Class B” licenses to local chambers of commerce, and similar civic or trade organizations, organized as nonstock corporations with the Department of Financial Institutions. The bill also creates a limited exception to the two-license limit for temporary “Class B” licenses that allows a municipality to issue up to 20 temporary “Class B” licenses

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to the same licensee if all of the following apply: 1) each license is issued for the same date and times and the licensee is the sponsor of an event, of not more than one day in duration, held at multiple locations within the municipality on this date and at these times; 2) an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event; and 3) within the previous 12 months, the municipality has issued such multiple-location event licenses for only one other such event or for no other events. Each event for which a municipality issues multiple-location event licenses as described above is counted as one license toward the licensee’s two-license limit for a temporary “Class B” license.

Under current law, with exceptions, a Class “B” license may not be issued for premises where another business is conducted.

This bill creates a limited exception under which a temporary Class “B” license may be issued for premises where another business is conducted if all of the following apply: 1) the license is one of multiple licenses issued by the municipality to the same licensee for the same date and times; 2) the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times; and 3) an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event.

The bill further clarifies that a temporary “Class B” license for wine may be issued by a municipality without also issuing a temporary Class “B” license for beer and also provides discretion to a municipality in setting the fee for a temporary “Class B” license, which may not exceed \$10 (the fee under current law).

Current law requires the Department of Revenue (DOR) to prepare a booklet explaining the state statutes and rules relating to the retail sale of alcohol beverages and to provide copies of the booklet to municipalities for distribution to licensees.

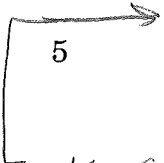
This bill requires DOR to update its discussion of “wine walks” in this booklet (Publication 302, Wisconsin Alcohol Beverage and Tobacco Laws for Retailers), to reflect statutory changes in the bill.

For further information see the *state and 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.** 125.02 (3u) of the statutes is created to read:
2 125.02 (3u) “Chamber of commerce” means a local chamber of commerce
3 organized under ch. 181 or a similar civic or trade organization organized under ch.
4 181 to promote economic growth and opportunity within a local geographical area.

5 **SECTION 2.** 125.26 (6) of the statutes is amended to read:



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1 125.26 (6) Temporary Class “B” licenses may be issued to bona fide clubs and
2 chambers of commerce, to county or local fair associations or agricultural societies,
3 to churches, lodges or societies that have been in existence for at least 6 months
4 before the date of application, and to posts of veterans organizations authorizing the
5 sale of fermented malt beverages at a particular picnic or similar gathering, at a
6 meeting of the post, or during a fair conducted by the fair association or agricultural
7 society. The amount of the fee for the license shall be determined by the municipal
8 governing body issuing the license but may not exceed \$10. An official or body
9 authorized by a municipal governing body to issue temporary Class “B” licenses may,
10 upon issuance of any temporary Class “B” license, authorize the licensee to permit
11 underage persons to be on the premises for which the license is issued. A license
12 issued to a county or district fair licenses the entire fairgrounds where the fair is
13 being conducted and all persons engaging in retail sales of fermented malt beverages
14 from leased stands on the fairgrounds. The county or district fair to which the license
15 is issued may lease stands on the fairgrounds to persons who may engage in retail
16 sales of fermented malt beverages from the stands while the fair is being held. A
17 municipal governing body may issue a temporary Class “B” license for premises that
18 are covered by a “Class B” permit issued under s. 125.51 (5) (b) 2. if the applicant
19 meets the requirements of this subsection. If a license is issued under this subsection
20 to a fair association solely for the purpose of conducting on the licensed premises
21 fermented malt beverages judging or tasting events involving servings of fermented
22 malt beverages no greater than one fluid ounce each, s. 125.32 (2) does not apply to
23 these licensed premises.

24 **SECTION 3.** 125.32 (3m) (j) of the statutes is created to read:

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1 125.32 (3m) (j) Premises for which a temporary Class “B” license is issued
2 under s. 125.26 (6) if the license is one of multiple licenses issued by the municipality
3 to the same licensee for the same date and times, the licensee is the sponsor of an
4 event held at multiple locations within the municipality on this date and at these
5 times, and an admission fee is charged for participation in the event and no
6 additional fee is charged for service of alcohol at the event.

7 **SECTION 4.** 125.51 (3) (f) of the statutes is amended to read:

8 125.51 (3) (f) A “Class B” license may be issued only to a holder of a retail Class
9 “B” license to sell fermented malt beverages unless the “Class B” license is the kind
10 of “Class B” license specified under par. (am) or is a temporary “Class B” license under
11 sub. (10).

12 **SECTION 5.** 125.51 (10) of the statutes is renumbered 125.51 (10) (a) and
13 amended to read:

14 125.51 (10) (a) Notwithstanding s. 125.68 (3), temporary “Class B” licenses
15 may be issued to bona fide clubs and chambers of commerce, to county or local fair
16 associations or agricultural societies, to churches, lodges, or societies that have been
17 in existence for at least 6 months before the date of application, and to posts of
18 veterans’ organizations authorizing the sale of wine in an original package,
19 container, or bottle or by the glass if the wine is dispensed directly from an original
20 package, container, or bottle at a particular picnic or similar gathering, at a meeting
21 of the post, or during a fair conducted by the fair association or agricultural society.
22 The amount of the fee for the license shall be determined by the municipal governing
23 body issuing the license but may not exceed \$10, except that no fee may be charged
24 to a person who at the same time applies for a temporary Class “B” license under s.
25 125.26 (6) for the same event. A license issued to a county or district fair licenses the

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1 entire fairgrounds where the fair is being conducted and all persons engaging in
2 retail sales of wine from leased stands on the fairgrounds. The county or district fair
3 to which the license is issued may lease stands on the fairgrounds to persons who
4 may engage in retail sales of wine from the stands while the fair is being held. If a
5 county or district fair leases any stand to a winery holding a permit under s. 125.53,
6 in addition to making retail sales of wine from the leased stand, the winery may
7 provide taste samples anywhere on the fairgrounds of wine manufactured by the
8 winery. If a license is issued under this ~~subsection~~ paragraph to a fair association
9 solely for the purpose of conducting on the licensed premises wine judging or tasting
10 events involving servings of wine no greater than one fluid ounce each, s. 125.68 (2)
11 does not apply to these licensed premises. ~~Not~~ Except as provided in par. (b), not
12 more than 2 licenses may be issued under this subsection paragraph to any club,
13 chamber of commerce, county or local fair association, agricultural association,
14 church, lodge, society, or veterans post in any 12-month period.

15 **SECTION 6.** 125.51 (10) (b) of the statutes is created to read:

16 125.51 (10) (b) 1. A municipality may issue up to 20 licenses under par. (a) to
17 the same licensee if all of the following apply:

18 a. Each license is issued for the same date and times and the licensee is the
19 sponsor of an event held at multiple locations within the municipality on this date
20 and at these times.

21 b. An admission fee is charged for participation in the event and no additional
22 fee is charged for service of alcohol at the event.

23 c. Within the immediately preceding 12-month period, the municipality has
24 issued licenses under authority of this paragraph for fewer than 2 events.

25 2. The duration of an event under subd. 1. may not exceed one day.

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SECTION 6

1 3. For purposes of the 2-license limit imposed under par. (a), each event for
2 which multiple licenses are issued as provided in subd. 1. shall count as one license
3 toward this 2-license limit.

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SECTION 7. Nonstatutory provisions.

5 (1) PUBLICATION 302 AND WINE WALKS. The department of revenue shall update
6 the discussion of "wine walks" in its Publication 302, Wisconsin Alcohol Beverage
7 and Tobacco Laws for Retailers, to reflect statutory changes in this act. The updated
8 publication shall be made available on the department's Internet site. When the
9 department's supply of existing printed copies of Publication 302 have been
10 exhausted, the department shall distribute the updated version of Publication 302
11 for purposes of section 125.045 of the statutes.

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State of Wisconsin
2015 - 2016 LEGISLATURE

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SENATE AMENDMENT 1,
TO SENATE BILL 236

September 4, 2015 – Offered by Senator MARKLEIN.

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

2 **1.** Page 1, line 3: after “licenses” insert “and temporary alcohol beverage
3 operator’s licenses”.

4 **2.** Page 2, line 4: after that line insert:

5 **SECTION 1g.** 125.07 (3) (a) 12m. of the statutes is created to read:

6 125.07 (3) (a) 12m. An underage person who enters and remains on premises
7 covered by a temporary “Class B” license issued as provided in s. 125.51 (10) (b) if all
8 of the following apply:

9 a. The municipal governing body issuing the license, or an official or body
10 authorized by the municipal governing body, authorizes the licensee to permit
11 underage persons to be on the licensed premises for the purpose of acting as
12 designated drivers.

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1 b. The licensee permits, on the licensed premises, unaccompanied underage
2 persons to be present only for the purpose of acting as designated drivers and the
3 licensee provides a means of identification, such as a wrist band, to identify these
4 underage persons as designated drivers.

5 c. The underage person is present on the licensed premises to act as a
6 designated driver and displays the means of identification specified in subd. 12m. b.

7 **SECTION 1r.** 125.17 (4) (b) of the statutes is amended to read:

8 125.17 (4) (b) No person may hold more than ~~one license~~ 2 licenses of this kind
9 per year.”

10 **3.** Page 6, line 3: after that line insert:

11 4. A municipal governing body or an official or body authorized by a municipal
12 governing body to issue temporary “Class B” licenses may, upon issuance of a
13 temporary “Class B” license as provided in subd. 1., authorize the licensee to permit
14 underage persons to be on the licensed premises for the purpose of acting as
15 designated drivers.

16 **SECTION 6g.** 125.68 (4) (c) 1. of the statutes is amended to read:

17 125.68 (4) (c) 1. Subject to ~~subd.~~ subds. 3. and 6. and s. 125.51 (3r) (a) 3., no
18 premises for which a “Class B” license or permit or a “Class C” license has been issued
19 may remain open between the hours of 2 a.m. and 6 a.m., except as otherwise
20 provided in this subdivision and subd. 4. On January 1 premises operating under
21 a “Class B” license or permit are not required to close. On Saturday and Sunday, no
22 premises may remain open between 2:30 a.m. and 6 a.m. except that, on the Sunday
23 that daylight saving time begins as specified in s. 175.095 (2), no premises may

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1 remain open between 3:30 a.m. and 6 a.m. This subdivision does not apply to a "Class
2 B" license issued to a winery under s. 125.51 (3) (am).

3 **SECTION 6r.** 125.68 (4) (c) 6. of the statutes is created to read:

4 125.68 (4) (c) 6. No person may serve wine after 9 p.m. on premises covered by
5 a temporary "Class B" license issued as provided in s. 125.51 (10) (b)."

6 **4.** Page 6, line 7: delete the material beginning with "The" and ending with
7 "statutes." on line 11.

8 **5.** Page 6, line 11: after that line insert:

9 **"SECTION 8m. Effective dates.** This act takes effect on the day after
10 publication, except as follows:

11 (1) SECTION 7 of this act takes effect on the first day of the 2nd month beginning
12 after publication."

13 (END)

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