
Wisconsin Legislative Council

AMENDMENT MEMO



Memo published: February 26, 2020

Contact: Melissa Schmidt, Senior Staff Attorney

2019 Assembly Bill 869

Assembly Amendments 1 and 3

2019 ASSEMBLY BILL 869

2019 Assembly Bill 869 creates a private event venue permit and makes various changes to the retail sale of alcohol beverages.

Private Event Venue Permits

The bill creates a private event venue permit that is issued by the Department of Revenue (DOR). Under the bill, a property owner may not rent or lease real property for use as a venue for a private event without holding the permit if fermented malt beverages (“beer”) or intoxicating liquor (distilled spirits and wine, hereinafter, “liquor”) is consumed at the private event.

Alcohol Beverages Retail Permits Issued to State Fair Park Vendors

The bill authorizes DOR to issue a Class “B” beer retail permit and a “Class B” liquor retail permit to a vendor at the State Fair Park. Under the bill, a “vendor” is a person who has entered into a vendor agreement with the State Fair Park board authorizing the person to sell beer or liquor at the State Fair Park, whichever is applicable. The Class “B” beer retail permit and the “Class B” liquor retail permit authorize the retail sale of beer and liquor, respectively, on the permitted premises, for consumption anywhere at the State Fair Park.

Alcohol Beverages on Motor Vehicle Racetrack Grounds

Alcohol Beverages Retail Permits for Motor Vehicle Racetrack Grounds

The bill authorizes DOR to issue Class “B” beer and “Class B” liquor retail permits to the owner or operator of “racetrack grounds” or to a person designated by the owner or operator of the racetrack grounds to operate premises located within the racetrack grounds. Currently, only Road America meets the bill’s definition of “racetrack grounds.”¹ The Class “B” beer retail permit and the “Class B” liquor retail permit authorize the retail sale of beer or liquor, respectively, on the permitted premises for the consumption anywhere within the racetrack grounds. The permits do not authorize retail sales of beer or liquor at any designated camping area on racetrack grounds while the area is in use for camping.

Caterers on Motor Vehicle Racetrack Grounds

The bill authorizes a caterer who has been issued a Class “B” beer retail license to provide and make retail sales of beer on the racetrack grounds. It also authorizes a caterer who has been issued a “Class B” liquor retail license to provide and make retail sales of liquor on the racetrack grounds. The bill

¹ The bill defines “racetrack grounds” to mean “real property consisting of at least 300 acres containing a motor vehicle racetrack at least 4 miles in length capable of hosting professional racing events, and includes any building or other structure on this property associated with the racetrack or with services provided in connection with events held at the racetrack.”

authorizes a licensed caterer to do so on racetrack grounds even if the racetrack grounds are neither of the following: (1) part of the caterer's licensed premises; nor (2) in the municipality that issued the caterer's Class "B" beer or "Class B" liquor retail license.

Under the bill, a caterer is prohibited from providing beer or liquor at any designated camping area on racetrack grounds while the area is in use for camping or from providing beer or liquor on any premises covered by a Class "B" beer or "Class B" liquor permit issued for the racetrack grounds.

Hours a Brewer May Make Retail Sales of Alcohol Beverages

Current law does not specify the hours that a person holding a brewer's permit (brewer) may make retail sales of alcohol beverages. The bill specifies the hours (unrelated to the extended hours the bill authorizes during the Democratic National Convention (DNC)) for which a brewer may make retail sales at the brewery and the brewer's off-site retail outlet. Specifically, the bill provides the following hours for retail sales:

- Retail sales of beer for on-premise consumption may generally not be made, and taste samples of beer may not be offered, between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, or between 2:30 a.m. and 6:00 a.m., Saturday or Sunday.² For a brewer who held a license to retail sell liquor on June 1, 2011, retail sales of liquor for on-premise consumption is prohibited under the bill during these same hours. Also, during these hours, the bill provides that the brewery premises may remain open for the conduct of other brewery operations, but the brewer's off-site retail outlet must be closed.
- Retail sales of beer for off-premise consumption may generally not be made between midnight and 6:00 a.m.

Related to the sale of beer or liquor for on-premise consumption, the bill prohibits a municipality from imposing, by ordinance, more restrictive hours than the hours specified above. For the retail sale of beer for off-premise consumption, the bill authorizes a municipality to impose, by ordinance, more restrictive hours than the hours listed above.

Hours a Winery May Make Retail Sales of Wine

Under current law, a "Class B" liquor retail license issued to a person holding a winery permit (winery) authorizes the winery to make retail sales of wine for on-premise consumption either by the glass or in an opened container. It also authorizes a winery to make retail sales of wine for off-premise consumption. Current law prohibits a winery from making such retail sales between the hours of 9:00 p.m. and 8:00 a.m.

The bill extends the hours (unrelated to the extended hours the bill authorizes during the DNC) for which a winery holding a "Class B" liquor license may remain open for the retail sale of wine. Under the bill, a winery may not remain open for the retail sale of wine between midnight and 8:00 a.m. The bill also authorizes a municipality to impose, by ordinance, more restrictive hours.

² The exceptions to these hours relate to special hours for daylight savings time and New Year's Day. On the Sunday that daylight savings time begins, no retail sales of beer for on-premise consumption may be made between 3:30 a.m. and 6:00 a.m. On January 1, the brewer's premises and off-site retail outlet are not required to close.

Extended Closing Hours During the 2020 Democratic National Convention

Under current law, a Class “B” beer, a “Class B” liquor, and a “Class C” wine-only retail licensed premises must generally be closed between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, or between 2:30 a.m. and 6:00 a.m., Saturday or Sunday.

The bill extends the closing hours that Class “B” beer, “Class B” liquor, and “Class C” wine-only retail licensed premises must close during the 2020 DNC. Specifically, from July 13 to July 17, 2020, the closing hours must be between 4:00 a.m. and 6:00 a.m., if the municipality that issued the license establishes a process to authorize, upon application, the extended closing hour for any Class “B” beer, “Class B” liquor, or “Class B” wine-only retail licensee. A municipality may also, by ordinance adopted after the effective date of the bill, opt out and enforce the closing hours authorized under current law during the DNC.

Also under the bill, the extended closing hours described above apply to a brewer making retail sales of alcohol beverages. If a municipality establishes a process to authorize extended retail closing hours for Class “B” beer retail licensees or “Class B” liquor and “Class C” wine-only retail licensees, the municipality must use the same process, and apply the same standards, to authorize, upon application, extended hours for brewers with respect to the brewery premises or the brewer’s off-site retail outlet located within that municipality.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 (AA 1) makes the following changes to the bill:

- Deletes all of the provisions in the bill related to **private event venues**. Specifically, AA 1 deletes all of the provisions that create a private event venue permit and that prohibit a property owner from renting or leasing real property for use as a venue for a private event without holding the permit if beer or liquor is consumed at the private event.
- Deletes the provision of the bill that extends the **hours** that a **winery holding a “Class B” liquor license** may remain open to make retail sales of wine (unrelated to the extended hours authorized during the DNC). Specifically, AA 1 deletes the provisions of the bill that prohibit a winery from being open for the retail sale of between midnight and 8:00 a.m.

ASSEMBLY AMENDMENT 3

Assembly Amendment 3 (AA 3) makes the following changes to the bill:

- Replaces the provisions of the bill related to **vendors at the State Fair Park** with a provision that allows a person to make retail sales of alcohol beverages for consumption at the State Fair Park without a license or permit, if the person was authorized by the State Fair Park board by resolution. Under AA 3, the person must satisfy all of the eligibility criteria that any applicant must satisfy in order to obtain an alcohol beverages license or permit, except for the criteria related to residency. A person is not required under AA 3 to have been a resident of the state for at least 90 days prior to the date of application to make sales at the State Fair Park.
- Deletes all of the provisions in the bill that specify the **hours** that a **brewer may make retail sales** at the brewery and the brewer’s off-site retail outlet, unrelated to the extended hours the bill authorizes during the DNC.

- Increases the **Safe Ride program surcharge** from \$50 to \$75. Under current law, a court is required to impose this surcharge when imposing a fine or forfeiture upon a person convicted of certain operating while intoxicated offenses.
- Amends the provisions of the bill related to **extended closing hours during the DNC** by doing all of the following:
 - Limiting the authority to allow extended closing hours during the DNC to a municipality that is located in southeast Wisconsin.³
 - Deleting the provisions of the bill that allow a municipality to, by ordinance adopted after the effective date of the bill, “opt out” and enforce the closing hours authorized under current law during the DNC. Under AA 3, a southeast Wisconsin municipality is required to adopt a resolution allowing the extended closing hours within the municipality. If the municipality adopts such a resolution, then the municipality must establish a process to authorize the extended closing hours for any Class “B” beer, “Class B” liquor, or “Class C” wine-only retail license issued by the southeast Wisconsin municipality.

BILL HISTORY

AA 1 was introduced on February 13, 2020, by Representatives Swearingen and Kuglitsch. On the same day, the Assembly Committee on State Affairs voted to recommend adoption of AA 1 by a vote of Ayes, 14; Noes, 0; and passage of the bill, as amended, by a vote of Ayes, 13; Noes, 1.

AA 3 was introduced on February 20, 2020, by Representatives Swearingen, Kuglitsch, Loudenberg, and Vorpapel. On that same day, the Assembly adopted AA 1 and AA 3 on voice votes and passed the bill, as amended, on a vote of Ayes, 84; Noes, 13.

MS:ksm:jal

³ “Southeast Wisconsin municipality” is defined under AA 3 to mean “[a city, village, or town] any part of which is located within Kenosha, Racine, Walworth, Rock, Milwaukee, Waukesha, Jefferson, Dane, Ozaukee, Washington, Dodge, Columbia, Sheboygan, or Fond du Lac County.”