



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 141

**Assembly
Amendments 1 and 2**

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Under *current law*, the legal drinking age in Wisconsin is 21 years of age. The legal drinking age is the age at which a person may legally purchase, possess, and consume alcohol beverages and enter premises licensed for the retail sale of alcohol beverages without being accompanied by a parent, guardian, or spouse. Under current federal law, a state that provides for a legal drinking age of less than 21 years is subject to withholding of 10% of federal highway aid annually.

Assembly Bill 141 lowers the legal drinking age to 19 for a member of the U.S. Armed Forces stationed in this state on active duty. The new drinking age provision is contingent upon the state obtaining a federal waiver or participating in a federal pilot program allowing Wisconsin to lower the drinking age for these individuals without subjecting Wisconsin to withholding of federal highway aid.

Assembly Amendment 1

Assembly Amendment 1 provides a legal drinking age of 19 for any member of the U.S. Armed Forces who is residing in Wisconsin. Under the amendment, the person is not required to be on active duty and stationed in Wisconsin.

Assembly Amendment 2

Assembly Amendment 2 sets forth a procedure for requesting a waiver to federal law relating to withholding of federal highway aid based upon the legal drinking age or participation in a pilot program. Under the amendment, DOR, in consultation with the Department of Transportation, must petition the applicable agency of the U.S. government for a waiver or participation in a federal pilot program, if any exists, providing an exception to federal law authorizing Wisconsin to lower the legal drinking age for members of the U.S. Armed Forces residing in Wisconsin to age 19 without subjecting Wisconsin to withholding of federal highway aid. If, within 60 days after the date that the petition is made, the applicable federal agency has not notified DOR of its decision on the petition, DOR must consider the petition approved.

The petition must be made within 30 days of the effective date of the legislation.

Legislative History

Assembly Amendment 1 was offered by Representatives Suder and Musser on March 28, 2005. Assembly Amendment 2 was offered by Representatives Suder, Musser, and Pettis on May 12, 2005. The Assembly Committee on State Affairs recommended adoption of Assembly Amendment 1 on a vote of Ayes, 7; Noes, 2, and recommended adoption of Assembly Amendment 2 on a vote of Ayes, 8; Noes, 1, on June 7, 2005. The committee also recommended passage of the bill, as amended, on a vote of Ayes, 7; Noes, 2, on that date.

AS:rv:tlu