



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4031/1
JK:emw

2015 ASSEMBLY BILL 624

January 4, 2016 - Introduced by Representatives STEFFEN, KATSMAN, BALLWEG, DUCHOW, GANNON, HORLACHER, KREMER, ROHRKASTE, SKOWRONSKI, SPIROS and R. BROOKS, cosponsored by Senators OLSEN and LASSA. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT** *to repeal* 125.05; and *to amend* 6.47 (8) (e), 125.10 (3), 125.51 (5) (a) 1.
2 and 139.11 (1) of the statutes; **relating to:** retaining invoices for the sale of malt
3 beverages and intoxicating liquors and the local option for issuing liquor
4 licenses.

Analysis by the Legislative Reference Bureau

This bill repeals the current law that allows the electors of a municipality to determine, by referendum, whether the municipality may issue retail licenses for the sale of malt beverages or intoxicating liquors or whether a liquor store operated by the municipality should cease operation. The bill also repeals the current law that allows the electors of a residence district within the municipality to file a petition to prohibit the municipality from issuing such licenses to retail establishments within the district. A residence district is any compact, contiguous territory within a municipality where not less than 100 and not more than 750 qualified electors reside.

The bill also modifies the current law and the Department of Revenue's administrative rules related to retaining invoices for the sale of malt beverages or intoxicating liquors so that the person who is required to keep such invoices may retain those invoices in electronic form only.

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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.** 6.47 (8) (e) of the statutes is amended to read:

2 6.47 (8) (e) At the request of a protected individual, for purposes of permitting
3 that individual to sign a petition under s. 59.05 (2) or a protest petition, consent or
4 counter petition under s. 125.05.

5 **SECTION 2.** 125.05 of the statutes is repealed.

6 **SECTION 3.** 125.10 (3) of the statutes is amended to read:

7 125.10 (3) ZONING. Except as provided in ss. ~~125.05~~ and s. 125.68, this chapter
8 does not affect the power of municipalities to enact or enforce zoning regulations.

9 **SECTION 4.** 125.51 (5) (a) 1. of the statutes is amended to read:

10 125.51 (5) (a) 1. The department shall issue “Class B” permits to clubs that are
11 operated solely for the playing of golf or tennis and are commonly known as country
12 clubs and to clubs which are operated solely for curling, ski jumping, or yachting.
13 A “Class B” permit may be issued only to a club that holds a valid certificate issued
14 under s. 73.03 (50), that is not open to the general public, and that is located in a
15 municipality that does not issue “Class B” licenses or to a club located in a
16 municipality that issues “Class B” licenses, if the club holds a valid certificate issued
17 under s. 73.03 (50), is not open to the general public, was not issued a license under
18 s. 176.05 (4a), 1979 stats., and does not currently hold a “Class B” license. The
19 permits may be issued by the department without regard to any local option
20 exercised under s. ~~125.05~~ and without regard to any quota under sub. (4). The holder

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1 of a "Class B" permit may sell intoxicating liquor for consumption by the glass and
2 not in the original package or container on the premises covered by the permit.

3 **SECTION 5.** 139.11 (1) of the statutes is amended to read:

4 139.11 (1) PRESERVATION OF RECORDS. Every person who manufactures,
5 rectifies, distributes, imports, transports, stores, warehouses, or sells intoxicating
6 liquor or fermented malt beverages shall keep complete and accurate records of all
7 such liquor or malt beverages purchased, sold, manufactured, rectified, brewed,
8 fermented, distilled, produced, stored, warehoused, imported, or transported within
9 this state. Such records shall be of a kind and in the form prescribed by the secretary
10 and shall be safely preserved to ensure accessibility for inspection by the secretary.
11 A person required to keep records under this subsection may keep such records in
12 electronic form only.

13 **SECTION 6.** TAX 7.01 (4) of the administrative code is amended to read:

14 TAX 7.01 (4) Retailers shall retain on their premises invoices covering all
15 purchases of fermented malt beverages. These invoices shall be retained for 2 years
16 from the date of invoice in groups covering a period of one month each and be
17 available for inspection at all reasonable times by representatives of the department
18 of revenue. The date of payment shall be recorded on the invoice. A retailer may
19 retain the invoices in electronic form only.

20 **SECTION 7.** TAX 8.21 (1) of the administrative code is amended to read:

21 TAX 8.21 (1) Every retail licensee shall retain invoices covering all purchases
22 of intoxicating liquor for a period of 2 years from the date of the invoice. Such invoices
23 shall be retained on the licensed premises in groups covering one month each and
24 shall be open to inspection at all reasonable times by any representative of the

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1 department. The date of payment must be recorded on each invoice. A retailer may
2 retain the invoices in electronic form only.

3 (END)