

1999 DRAFTING REQUEST

Bill

Received: **03/30/99**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Daniel Vrakas (608) 266-3007**

By/Representing: **greg**

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Beverages - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Wine-on-premises permit

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>
/?	nilsepe 03/30/99	kgeller 03/30/99		_____			State
/1			ismith 03/31/99	_____	lrb_docadmin 03/31/99	lrb_docadmin 04/8/99	

FE Sent For: **(04/8/99 .)**
" / 1 "

<END>

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/?	nilsepe	1/30 JLG	IS 3/31/99	ES/WLJ 3/31/99			

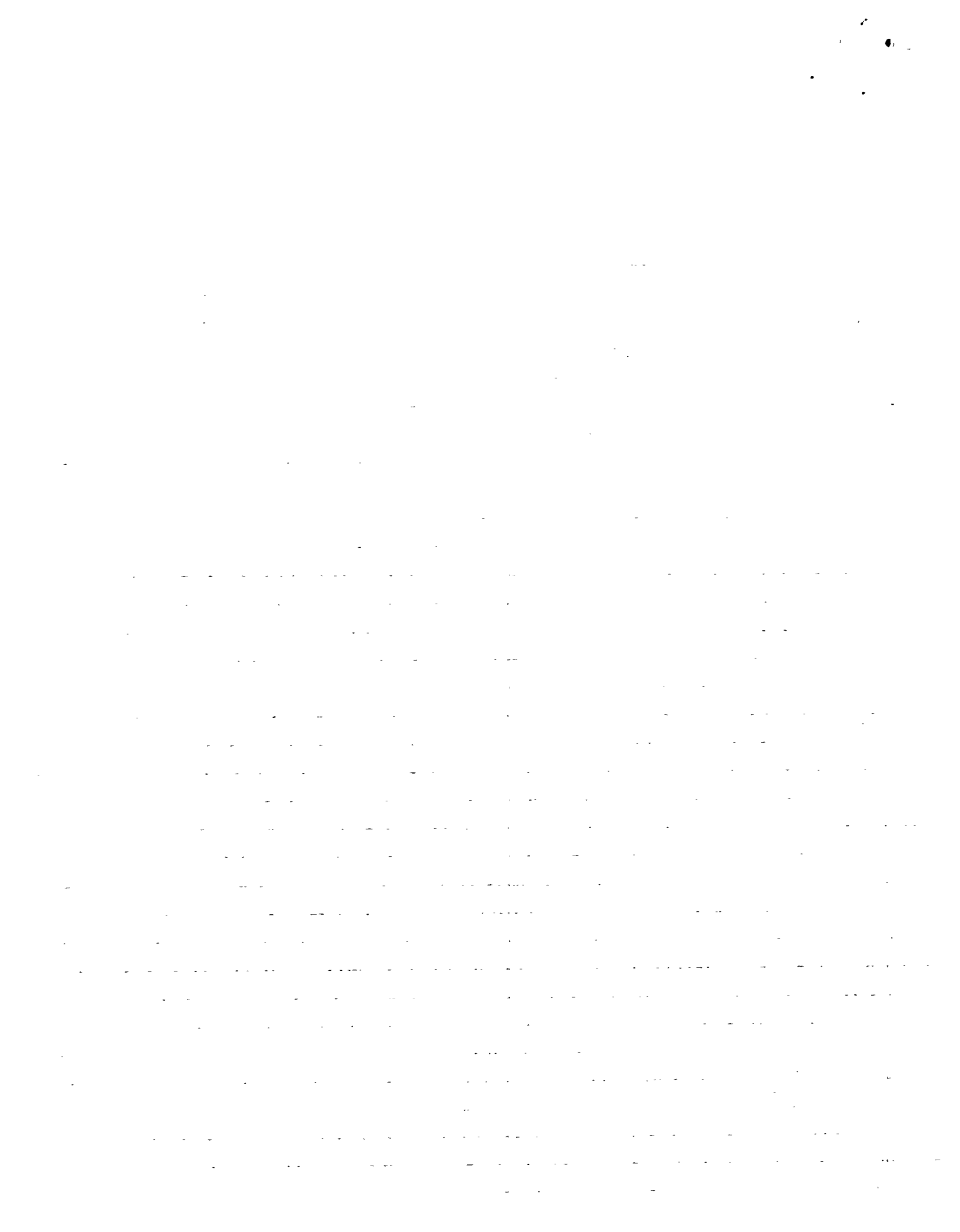
FE Sent For:

<END>

Greg; Rep. Vrakas 3/30/97 -2651

Need companion to 99 SB 34.

-PEN



stays → →

2651/1

1999 ~~SENATE~~ BILL 34

February 10, 1999 – Introduced by Senators ROSENZWEIG, GEORGE and DARLING, cosponsored by Representatives ~~VRAKAS, PLALE, HOVEN, KLUSMAN, DUFF, GROTHMAN, F. LASEE, POWERS, SYKORA and BERCEAU.~~ Referred to ~~Committee on Economic Development, Housing and Government Operations.~~

Reger

A-Note

1 AN ACT to renumber and amend 125.69 (1) (a); to amend 125.51 (3) (am) and
2 125.69 (1) (b) 1.; and to create 125.535, 125.69 (1) (a) 3. and 125.69 (1) (b) 5. of
3 the statutes; relating to: creating a permit authorizing certain restaurants to
4 manufacture and sell wine on the restaurant's premises.

Analysis by the Legislative Reference Bureau

Current law prohibits any person from selling alcohol beverages (and from manufacturing, brewing or engaging in any other activity for which state law requires a license or permit) unless he or she possesses the appropriate license for that activity. A restaurant may obtain a retail license authorizing the sale of intoxicating liquor, including wine, for consumption on or off the restaurant's premises. However, a retail license authorizes only the sale of intoxicating liquor that was purchased from an authorized, licensed seller.

This bill creates a restaurant-winery permit. The permit authorizes a restaurant to manufacture its own wine and to sell that wine at retail from the premises for consumption on or off the restaurant's premises. The permit is issued by the department of revenue and may be issued only for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and that manufactures less than 5,000 gallons of wine per year. The bill allows the permittee to provide free two-ounce taste samples of wine manufactured on the premises to persons dining on the premises. The bill allows the holder of a restaurant-winery permit also to hold a license or permit for the retail sale of alcohol beverages for consumption on or off the premises where sold.

SENATE BILL 34

For further information see the *state* 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.** 125.51 (3) (am) of the statutes is amended to read:

2 125.51 (3) (am) A “Class B” license issued to a winery authorizes the sale of
3 wine to be consumed by the glass or in opened containers only on the premises where
4 sold and also authorizes the sale of wine in the original package or container to be
5 consumed off the premises where sold, but does not authorize the sale of fermented
6 malt beverages or any intoxicating liquor other than wine. A restaurant for which
7 a permit is issued under s. 125.535 shall not be considered a winery under this
8 paragraph.

9 **SECTION 2.** 125.535 of the statutes is created to read:

10 **125.535 Restaurant-winery permit.** The department shall issue a
11 restaurant-winery permit authorizing the retail sale of wine manufactured on the
12 premises for consumption on the premises where sold or in an original unopened
13 package or container for consumption off the premises where sold. The department
14 may issue a restaurant-winery permit to any person who is qualified under s. 125.04
15 (5) and who holds a valid certificate under s. 73.03 (50). A restaurant-winery permit
16 may be issued only for a restaurant in which the sale of alcohol beverages accounts
17 for less than 50% of gross receipts and that manufactures less than 5,000 gallons of
18 wine per year. The permittee may offer, free of charge, 2-fluid-ounce taste samples
19 of wine manufactured on the premises to persons dining on the premises. A
20 restaurant issued a permit under this section shall not be considered a winery for
21 purposes of s. 125.51 (3) (am).

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

~~LRB-0656/ldn~~

PEN:cmh:jf

4/29
-2651/ldn

~~December 16, 1998~~

March 30, 1999

Rep. Vrakas :

~~Senator Rosenzweig~~:

This draft allows the permittee to provide free 2-ounce taste samples to customers, but does not limit the number of samples that may be provided (to an individual customer or to all customers considered together).

Paul E. Nilsen
Legislative Attorney
261-6926

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

LRB-2651/1dn
PEN:cmh&jlg:ijs

March 31, 1999

Rep. Vrakas:

This draft allows the permittee to provide free 2-ounce taste samples to customers, but does not limit the number of samples that may be provided (to an individual customer or to all customers considered together).

Paul E. Nilsen
Legislative Attorney
261-6926

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 3/31/99

To: Representative Vrakas

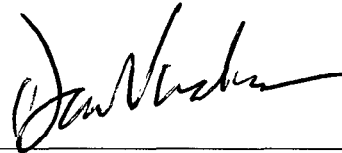
Relating to LRB drafting number: LRB-2651

Topic

Wine-on-premises permit

Subject(s)

Beverages - miscellaneous



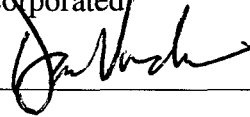
1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____



If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney
Telephone: (608) 261-6926