

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1999 SENATE BILL 361**

March 23, 2000 – Offered by COMMITTEE ON INSURANCE, TOURISM, TRANSPORTATION  
AND CORRECTIONS.

1     **AN ACT** *to renumber and amend* 125.31 (1); *to amend* 125.28 (2) (b) 1. b. and  
2           c. and 125.31 (3) (b); and *to create* 125.02 (1m), 125.31 (1) (a) 1. and 125.31 (1)  
3           (a) 3. of the statutes; **relating to:** the number of Class “B” licenses that may be  
4           issued to certain small brewers.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

5           **SECTION 1.** 125.02 (1m) of the statutes is created to read:

6           125.02 **(1m)** “Barrel” means 31 U.S. gallons.

7           **SECTION 2.** 125.28 (2) (b) 1. b. and c. of the statutes are amended to read:

8           125.28 **(2)** (b) 1. b. A Class “B” license issued under s. 125.26, except as provided  
9           in s. 125.29 (4).

10           c. A Class “B” permit issued under s. 125.27, except as provided in s. 125.29 (4).

11           **SECTION 3.** 125.31 (1) of the statutes is renumbered 125.31 (1) (a) 2. and  
12           amended to read:

1           125.31 (1) (a) 2. Notwithstanding ss. 125.29 (2) and 125.33 (1), a brewer may  
2 maintain and operate a one place on brewery premises and a one place on real estate  
3 owned by the brewer or a subsidiary or affiliate corporation or limited liability  
4 company for the sale of fermented malt beverages for which a Class “B” license is  
5 required for each place, but, except as provided in subd. 3., not more than 2 such  
6 Class “B” licenses shall be issued to any brewer.

7           **(b)** Notwithstanding ss. 125.29 (2) and 125.33 (1), a brewer may also own,  
8 maintain or operate places for the sale of fermented malt beverages at the state fair  
9 park or on any county fairgrounds located in this state, in addition to places  
10 authorized under par. (a).

11           **(c)** Any Class “B” license necessary in connection with this subsection shall be  
12 issued to the brewer.

13           **(d)** Notwithstanding s. 125.33 (1), a brewer may own the furniture, fixtures,  
14 fittings, furnishings and equipment on such premises and shall pay any license fee  
15 or tax required for the operation of the premises.

16           **SECTION 4.** 125.31 (1) (a) 1. of the statutes is created to read:

17           125.31 (1) (a) 1. In this paragraph, “small brewer” means a brewer that,  
18 together with the fermented malt beverages manufactured during the same year by  
19 all of the following, manufactures less than 4,000 barrels of beer annually:

20           a. All brewers that share membership with the brewer in a controlled group of  
21 brewers, as determined under 26 USC 5051 (a) (2) (B).

22           b. All brewers considered with the brewer as one taxpayer under 27 CFR  
23 25.111b (b).

24           c. All franchisees, as defined in s. 553.03 (5), of the brewer.

