

2001 ASSEMBLY BILL 797

February 12, 2002 – Introduced by Representatives UNDERHEIM, OWENS, TOWNSEND, LASSA, GROTHMAN, HINES, McCORMICK and TURNER, cosponsored by Senators ROESSLER and KANAVAS. Referred to Committee on State Affairs.

1 **AN ACT** *to amend* 125.09 (1), 125.26 (6) and 125.51 (10); and *to create* 125.02
2 (3r) and 125.32 (3m) (h) of the statutes; **relating to:** temporary alcohol
3 beverage licenses for caterers.

Analysis by the Legislative Reference Bureau

Current law authorizes any municipality to issue temporary Class “B” and “Class B” licenses to certain clubs, fair associations, agricultural societies, churches, veterans organizations, lodges, and other societies, that authorize the retail sale of, respectively, fermented malt beverages (beer) and wine at fairs, meetings, picnics, and similar gatherings hosted by the organizations. A municipality may not issue to one of these organizations more than two temporary “Class B” licenses in any 12-month period.

This bill authorizes any municipality to issue temporary Class “B” and “Class B” licenses to caterers authorizing the sale of, respectively, beer and intoxicating liquor (including wine) at a particular gathering, meeting, or event catered by the caterer. Caterers are not subject to a limit on the number of temporary “Class B” licenses that may be issued to the caterer in any 12-month period. Under the bill, a caterer is defined as any person who holds a restaurant permit issued by the department of health and family services or a local health department and who is in the business of preparing food and transporting it for consumption on premises where gatherings, meetings, or events are held, if the sale of food at each gathering, meeting, or event accounts for greater than 50% of the gross receipts of all of the food and beverages served at the gathering, meeting, or event.

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Also under current law, with certain exceptions, no owner, lessee, or person in charge of a public place may allow the consumption of alcohol beverages on the premises unless the owner, lessee, or person in charge holds the appropriate license or permit. Under this bill, the owner, lessee, or person in charge of the premises where a catered event is held may allow the consumption on the premises, during the event, of beer and intoxicating liquor provided by a caterer holding the appropriate temporary license.

Current law also prohibits, with certain exceptions, the issuance of a Class “B” license or permit for any premises where another business is conducted. This bill allows beer to be served by a caterer holding a temporary license at a catered event on premises where other business is conducted.

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.** 125.02 (3r) of the statutes is created to read:

2 125.02 (3r) “Caterer” means any person holding a restaurant permit under s.
3 254.64 who is in the business of preparing food and transporting it for consumption
4 on premises where gatherings, meetings, or events are held, if the sale of food at each
5 gathering, meeting, or event accounts for greater than 50% of the gross receipts of
6 all of the food and beverages served at the gathering, meeting, or event.

7 **SECTION 2.** 125.09 (1) of the statutes is amended to read:

8 125.09 (1) PUBLIC PLACE. No owner, lessee, or person in charge of a public place
9 may permit the consumption of alcohol beverages on the premises of the public place,
10 unless the person has an appropriate retail license or permit. This subsection does
11 not apply to municipalities, buildings, and parks owned by counties, regularly
12 established athletic fields and stadiums, school buildings, churches, premises in a
13 state fair park or, clubs, or premises on which a catered event is held under a
14 temporary license issued to a caterer under s. 125.26 (6), during the catered event.

15 **SECTION 3.** 125.26 (6) of the statutes is amended to read:

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1 125.26 (6) Temporary Class “B” licenses may be issued to bona fide clubs, to
2 county or local fair associations or agricultural societies, to churches, lodges, or
3 societies that have been in existence for at least 6 months before the date of
4 application, to caterers, and to posts of veterans’ organizations authorizing the sale
5 of fermented malt beverages at a particular picnic or similar gathering, at a meeting
6 of the post, at a particular gathering, meeting, or event catered by the caterer, or
7 during a fair conducted by the fair association or agricultural society. The amount
8 of the fee for the license shall be determined by the municipal governing body issuing
9 the license but may not exceed \$10. An official or body authorized by a municipal
10 governing body to issue temporary Class “B” licenses may, upon issuance of any
11 temporary Class “B” license, authorize the licensee to permit underage persons to be
12 on the premises for which the license is issued. A license issued to a county or district
13 fair licenses the entire fairgrounds where the fair is being conducted and all persons
14 engaging in retail sales of fermented malt beverages from leased stands on the
15 fairgrounds. The county or district fair to which the license is issued may lease
16 stands on the fairgrounds to persons who may engage in retail sales of fermented
17 malt beverages from the stands while the fair is being held. A municipal governing
18 body may issue a temporary Class “B” license for premises that are covered by a
19 “Class B” permit issued under s. 125.51 (5) (b) 2. if the applicant meets the
20 requirements of this subsection.

21 **SECTION 4.** 125.32 (3m) (h) of the statutes is created to read:

22 125.32 (3m) (h) Premises on which a catered event is held under a temporary
23 license issued to a caterer under s. 125.26 (6).

24 **SECTION 5.** 125.51 (10) of the statutes is amended to read:

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1 125.51 (10) TEMPORARY LICENSES. Notwithstanding s. 125.68 (3), temporary
2 “Class B” licenses may be issued to bona fide clubs, to county or local fair associations
3 or agricultural societies, to churches, lodges, or societies that have been in existence
4 for at least 6 months before the date of application, and to posts of veterans’
5 organizations authorizing the sale of wine in an original package, container, or bottle
6 or by the glass if the wine is dispensed directly from an original package, container,
7 or bottle at a particular picnic or similar gathering, at a meeting of the post, or during
8 a fair conducted by the fair association or agricultural society. Notwithstanding s.
9 125.68 (3), temporary “Class B” licenses may be issued to caterers authorizing the
10 sale of intoxicating liquor in an original package, container, or bottle or by the glass
11 if the intoxicating liquor is dispensed directly from an original package, container,
12 or bottle at a particular gathering, meeting, or event catered by the caterer. The
13 amount of the fee for the license shall be \$10, except that no fee may be charged to
14 a person who at the same time applies for a temporary Class “B” license under s.
15 125.26 (6) for the same event. A license issued to a county or district fair licenses the
16 entire fairgrounds where the fair is being conducted and all persons engaging in
17 retail sales of wine from leased stands on the fairgrounds. The county or district fair
18 to which the license is issued may lease stands on the fairgrounds to persons who
19 may engage in retail sales of wine from the stands while the fair is being held. Not
20 more than 2 licenses may be issued under this subsection to any club, county or local
21 fair association, agricultural association, church, lodge, society or veterans’ post in
22 any 12-month period.

SECTION 6. Effective date.

