

2001 DRAFTING REQUEST

Bill

Received: 05/04/2001

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Gregg Underheim (608) 266-2254

By/Representing: Gary Radloff (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Beverages - miscellaneous

Extra Copies: RCT

Submit via email: YES

Requester's email: Rep.Underheim@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Temporary liquor license or permit for caterers

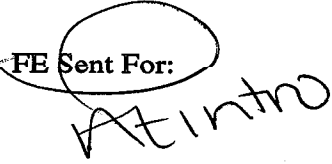
Instructions:

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>
/1	agary 08/03/2001	rschluet 09/21/2001	pgreensl 09/24/2001	_____	lrb_docadmin 09/24/2001		S&L
/2	agary 10/11/2001	rschluet 10/16/2001	pgreensl 10/16/2001	_____	lrb_docadmin 10/16/2001		S&L

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				_____	lrb_docadmin		
				_____	10/23/2001		
/4	agary 01/07/2002	rschlue 01/17/2002	pgreensl 01/17/2002	_____	lrb_docadmin 01/17/2002	lrb_docadminS&L 01/17/2002	

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10/19/2001 10/23/2001 10/23/2001 _____

lrb_docadmin
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via
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FE Sent For:


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 10/23 jld
 10/23 PR
 <END>

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/1	agary 08/03/2001	rschluet 09/21/2001	pgreensl 09/24/2001	10/16	lrb_docadmin 09/24/2001		S&L

FE Sent For:

[Signature]
10-15-1

10/16
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<END>

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1?	agary	6/24 9-11-01	9/24 PS/ARE	9/24 P9/JK			

FE Sent For:

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Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

*Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.
Use this form only for bill draft requests. Attach more pages if necessary.*

Date May 3, 2001

Legislator, agency, or other person requesting this draft Rep. Gregg Underheran

Person submitting request (name and phone number) " " "

Persons to contact for questions about this draft (names and phone numbers) Gary Redlof 266-2254

Describe the problem, including any helpful examples. How do you want to solve the problem?

Granting catering businesses temporary one-day liquor license or permit

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

Attached is Minnesota law

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
Any legislator? YES NO

Only the following persons _____

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person?

YES NO

bottle of wine in conjunction with the purchase of a meal to remove the bottle on leaving the licensed premises provided that the bottle has been opened and the contents partially consumed. A removal of a bottle under the conditions described in this subdivision is not an off-sale of intoxicating liquor and may be permitted without additional license.

Subd. 12. **Caterer's permit.** The commissioner may issue a caterer's permit to a restaurant that holds an on-sale intoxicating liquor license issued by any municipality. The holder of a caterer's permit may sell intoxicating liquor as an incidental part of a food service that serves prepared meals at a place other than the premises for which the holder's on-sale intoxicating liquor license is issued.

(a) A caterer's permit is auxiliary to the primary on-sale license held by the licensee.

(b) The restrictions and regulations which apply to the sale of intoxicating liquor on the licensed premises also apply to the sale under the authority of a caterer's permit, and any act that is prohibited on the licensed premises is also prohibited when the licensee is operating other than on the licensed premises under a caterer's permit.

(c) Any act, which if done on the licensed premises would be grounds for cancellation or suspension of the on-sale licensee, is grounds for cancellation of both the on-sale license and the caterer's permit if done when the permittee is operating away from the licensed premises under the authority of the caterer's permit.

(d) The permittee shall notify prior to any catered event:

(1) the police chief of the city where the event will take place, if the event will take place within the corporate limits of a city; or

(2) the county sheriff of the county where the event will take place, if the event will be outside the corporate limits of any city.

(e) If the primary license ceases to be valid for any reason, the caterer's permit ceases to be valid.

(f) Permits issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except those laws and ordinances which by their nature are not applicable.

(g) The annual state fee for a caterer's permit is \$200.

Subd. 13. **Holders of multiple on-sale licenses; uniform licensing periods.** Notwithstanding any local ordinance or other law, a local government unit may adjust the licensing period for any holder of multiple on-sale alcoholic beverage licenses in the state, upon request of the licensee. The local government unit may charge a fee for an adjustment of the licensing period.

Gary, Aaron

From: Radloff, Gary
Sent: Monday, May 14, 2001 9:27 AM
To: Gary, Aaron
Subject: RE: LRB 3250

Aaron: We would like to reflect allowing caterers with licenses to be able to sell off premise. It would be a caterer's license in essence. The one-day permit option creates too much work for caterers. Thanks for checking. Gary Radloff

-----Original Message-----

From: Gary, Aaron
Sent: Thursday, May 10, 2001 3:48 PM
To: Radloff, Gary
Subject: LRB 3250

Good afternoon,

I have begun working on LRB-3250, relating to granting catering businesses a temporary one-day liquor license or permit. I would like to clarify the request. The request attached a copy of a Minnesota law. The Minnesota law allows a restaurant that already holds a retail license issued by a municipality to obtain an additional annual permit from the state that allows off-premises sales of alcohol in the course of catering.

Wisconsin law currently allows municipalities to issue temporary licenses for certain specified purposes. See ss. 125.26 (6) and 125.51 (10), stats. These temporary licenses are issued by municipalities to persons who do not hold retail licenses.

Do you want this bill to allow off-premises sales by caterers (restaurants) that already hold retail licenses for a particular location, or do you want the bill to allow caterers who are not otherwise licensed to sell alcohol to be able to obtain a 1-day license to serve alcohol at the event they are catering?

Upon hearing from you, I will be able to continue preparing the draft. Thank you.

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3250/1

ARG:.....

rs
cmt

2001 BILL

D-Note

Gen

1 AN ACT relating to: creating permits authorizing certain caterers to sell
2 alcohol beverages on the premises of a catered event.

Analysis by the Legislative Reference Bureau

Current law prohibits, with certain exceptions, a person from selling alcohol beverages at retail unless the person possesses a license or permit authorizing the sale on the premises where sold. A municipality may issue to a person: a Class "B" license, which authorizes the retail sale of fermented malt beverages (beer) for consumption on or off the premises where sold; a "Class B" license, which authorizes the retail sale of intoxicating liquor, including wine, for consumption on or off the premises where sold; and a "Class C" license, which authorizes the retail sale of wine for consumption on the premises where sold. A restaurant may hold a retail license authorizing the sale of alcohol beverages on the restaurant's premises.

Under current law, a municipality may not issue a "Class B" license if issuance of the license would cause the municipality to exceed its quota for "Class B" licenses. A municipality may also elect not to issue any retail licenses for the sale of alcohol beverages.

stet- This bill creates Class "B", "Class B", and "Class C" permits authorizing caterers to sell alcohol beverages on premises where catered events are held. The department of revenue (DOR) may issue a Class "B", "Class B", or "Class C" permit to any person who holds, respectively, a Class "B", "Class B", or "Class C" license issued by a municipality and who also holds a restaurant permit issued by the department of health and family services or a local health department. The Class "B", "Class B", and "Class C" permits authorize the sale of, respectively, beer,

BILL

intoxicating liquor, and wine on premises where an event catered by the permittee is held if the permittee serves food at the event and the sale of alcohol beverages at the event accounts for less than 50% of the gross receipts of all of the food and beverages served. These permits authorize the sale of alcohol beverages in any municipality where a catered event is held, regardless of whether the municipality has already met its "Class B" quota or whether the municipality has elected not to issue retail licenses for the sale of alcohol beverages.

A permittee under the bill may only sell alcohol beverages by the glass, and not in the original package or container, for consumption on the premises where the catered event is held during the time of the catered event. A permittee may not sell alcohol beverages on the same premises for more than three consecutive days or for more than 12 days in any calendar year. A permittee also may not sell alcohol beverages at a catered event if the premises on which the catered event is held are already covered by another alcohol beverages license or permit. The permittee must give DOR at least three days ^{30 - Day} prior written notice of the date, time, and location of any catered event at which the permittee will sell alcohol beverages, and must maintain records relating to alcohol beverages sales at all catered events.

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 alcohol beverages provided by a caterer holding the appropriate permit.

Current law further prohibits, with certain exceptions, a person who has not reached the legal drinking age (21 years of age), and who is not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age, from entering or being on any premises for which a license or permit for the retail sale of alcohol beverages has been issued. This bill allows an unaccompanied person who has not reached the legal drinking age to enter and remain on the premises where a catered event is held.

Current law also prohibits, with certain exceptions, the issuance of a Class "B" license or permit for any premises where another business is conducted, and the issuance of a "Class B" license or permit for any premises that has a main entrance which is less than 300 feet from a school, hospital, or church. This bill allows beer to be served at a catered event on premises where other business is conducted, and allows intoxicating liquor to be served at a catered event held on premises within 300 feet of a school, hospital, or church.

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. 125.07 (3) (a) 13. of the statutes is created to read:

BILL

1 125.07 (3) (a) 13. Premises on which a catered event is held and for which no
 2 license or permit for the retail sale of alcohol beverages has been issued other than
 3 under s. 125.27 (3) ^{or} (125.51 (5) (d)) or ~~(125.51)~~ (5m).

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

5 125.09 (1) PUBLIC PLACE. No owner, lessee, or person in charge of a public place
 6 may permit the consumption of alcohol beverages on the premises of the public place,
 7 unless the person has an appropriate retail license or permit. This subsection does
 8 not apply to municipalities, buildings and parks owned by counties, regularly
 9 established athletic fields and stadiums, school buildings, churches, premises in a
 10 state fair park ~~or~~, clubs, or premises where an event catered by a person holding a
 11 permit under s. 125.27 (3), 125.51 (5) (d), or 125.51 (5m) is held, during the catered
 12 event.

13 **SECTION 3.** 125.27 (3) of the statutes is created to read:

14 125.27 (3) CATERERS. (a) The department shall issue a Class "B" permit to any
 15 person who holds a Class "B" license under this chapter, a restaurant permit under
 16 s. 254.64, and a valid certificate issued under s. 73.03 (50), authorizing the sale of
 17 fermented malt beverages on premises where an event catered by the person is held
 18 if the person serves food on the premises at the event and ^{if} the sale of intoxicating
 19 liquor and fermented malt beverages on the premises at the event accounts for less
 20 than 50% of the gross receipts of all of the food and beverages served on the premises
 21 at the event. The permit authorizes the sale of fermented malt beverages by the
 22 glass, and not in the original package or container, for consumption on the premises
 23 where the catered event is held, during the catered event.

24 (b) Notwithstanding par. (a), a permit issued under this subsection does not
 25 authorize the sale of fermented malt beverages on premises where a catered event

BILL**SECTION 3**

1 is held if the premises are covered by another license or permit issued under this
2 chapter other than a permit issued under s. 125.51 (5) (d) or (5m).

3 (c) A permittee under this subsection may not sell fermented malt beverages
4 on the same premises for more than 3 consecutive days or more than 12 days in any
5 calendar year.

6 (d) A permittee under this subsection may sell fermented malt beverages under
7 this subsection in any municipality without regard to any local option exercised
8 under s. 125.05.

9 (e) A permittee under this subsection shall give at least 3 days' prior written
10 notice to the department of the date, time, and location of any catered event at which
11 the permittee will sell fermented malt beverages. A permittee shall keep all invoices
12 relating to the purchase of fermented malt beverages ^{for sale} for sale at any catered event.

13 (f) Upon revocation, suspension, or failure to renew the permittee's Class "B"
14 license specified in par. (a), a permit issued under this subsection is void.

15 (g) Except as provided in this subsection, all provisions of this chapter applying
16 to Class "B" licenses apply to Class "B" permits issued under this subsection.

17 (h) Persons holding a permit under this subsection may sell beverages
18 containing less than 0.5% of alcohol by volume for consumption on the premises
19 where a catered event is held without obtaining a license under s. 66.0433 (1).

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

21 125.32 (3m) (h) Premises on which a catered event is held under a permit
22 issued under s. 125.27 (3).

23 **SECTION 5.** 125.51 (5) (d) of the statutes is created to read:

24 125.51 (5) (d) *Caterers.* 1. The department shall issue a "Class B" permit to
25 any person who holds a "Class B" license under this chapter, a restaurant permit

BILL

1 under s. 254.64, and a valid certificate issued under s. 73.03 (50), authorizing the sale
 2 of intoxicating liquor on premises where an event catered by the person is held if the
 3 person serves food on the premises at the event and ^(if) the sale of intoxicating liquor and
 4 fermented malt beverages on the premises at the event accounts for less than 50%
 5 of the gross receipts of all of the food and beverages served on the premises at the
 6 event. The permit authorizes the sale of intoxicating liquor by the glass, and not in
 7 the original package or container, for consumption on the premises where the catered
 8 event is held, during the catered event.

9 2. Notwithstanding subd. 1, a permit issued under this ^{sub-section} paragraph does not
 10 authorize the sale of intoxicating liquor on premises where a catered event is held
 11 if the premises are covered by another license or permit issued under this chapter
 12 other than a permit issued under s. 125.27 (3). ^{stet.}

13 3. A permittee under this ^{sub-section} paragraph may not sell intoxicating liquor on the
 14 same premises for more than 3 consecutive days or more than 12 days in any calendar
 15 year. ^{stet.}

16 4. A permittee under this ^{sub-section} paragraph may sell intoxicating liquor under this
 17 paragraph in any municipality without regard to any local option exercised under s.
 18 125.05 and without regard to any quota under sub. (4). ^{stet.}

19 5. A permittee under this ^{sub-section} paragraph shall give at least 3 days' prior written
 20 notice to the department of the date, time, and location of any catered event at which
 21 the permittee will sell intoxicating liquor. A permittee shall keep all invoices relating
 22 to the purchase of intoxicating liquor for sale at any catered event.

23 6. Upon revocation, suspension, or failure to renew the permittee's "Class B"
 24 license specified in subd. 1, a permit issued under this ^{sub-section} paragraph is void. ^{stet.}

BILL

1 7. Except as provided in this paragraph, all provisions of this chapter applying
2 to "Class B" licenses apply to "Class B" permits issued under this ~~paragraph~~ ^{section} ~~paragraph~~ ^{section}

3 SECTION 6. 125.51 (5m) of the statutes is created to read:

4 125.51 (5m) RETAIL "CLASS C" PERMITS. (a) The department shall issue a "Class
5 "C" permit to any person who holds a "Class C" license under this chapter, a
6 restaurant permit under s. 254.64, and a valid certificate issued under s. 73.03 (50),
7 authorizing the sale of wine on premises where an event catered by the person is held
8 if the person serves food on the premises at the event and ^{if} the sale of intoxicating
9 liquor and fermented malt beverages on the premises at the event accounts for less
10 than 50% of the gross receipts of all of the food and beverages served on the premises
11 at the event. The permit authorizes the sale of wine by the glass, and not in the
12 original package or container, for consumption on the premises where the catered
13 event is held, during the catered event.

14 (b) Notwithstanding par. (a), a permit issued under this subsection does not
15 authorize the sale of wine on premises where a catered event is held if the premises
16 are covered by another license or permit issued under this chapter other than a
17 permit issued under s. 125.27 (3).

18 (c) A permittee under this subsection may not sell wine on the same premises
19 for more than 3 consecutive days or more than 12 days in any calendar year.

20 (d) A permittee under this subsection may sell wine under this subsection in
21 any municipality without regard to any local option exercised under s. 125.05 and
22 without regard to any quota under sub. (4).

23 (e) A permittee under this subsection shall give at least 3 days' prior written
24 notice to the department of the date, time, and location of any catered event at which

BILL

1 the permittee will sell wine. A permittee shall keep all invoices relating to the
2 purchase of wine for sale at any catered event.

3 (f) Upon revocation, suspension, or failure to renew the permittee's "Class C"
4 license specified in par. (a), a permit issued under this subsection is void.

5 (g) Except as provided in this subsection, all provisions of this chapter applying
6 to "Class C" licenses apply to "Class C" permits issued under this subsection.

7 **SECTION 7.** 125.68 (3) (d) of the statutes is created to read:

8 125.68 (3) (d) ✓ Catered premises covered by a permit under s. 125.51 (5) (d). ✓

9 **SECTION 8. Effective date.**

10 (1) This act takes effect on the first day of the 6th month beginning after
11 publication.

12

(END)

D. Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3250/1dn

ARG.....

13

Jan 11

Date

The attached draft creates a new type of permit, issued by the department of revenue (DOR), for caterers that already hold alcohol beverage licenses issued by local municipalities. The creation of state-issued permits for caterers that "supplement" locally-issued alcohol beverage licenses is similar to the structure adopted in the Minnesota statute attached to the request. Catering is a mobile business and the creation of the state-issued caterers permits in the attached draft allows caterers issued alcohol beverage licenses to serve alcohol beverages at catered events anywhere in the state. If the draft had been prepared to create locally-issued caterers licenses, a caterer in Madison would need to obtain separate catering licenses for catered events in Madison, Middleton, Stoughton, or any other municipality. Is the creation of state-issued caterers permits, rather than locally-issued caterers licenses, consistent with your intent?

who are

Municipalities may elect not to issue any alcohol beverage licenses, i.e., to be "dry." See s. 125.05 (1), stats. Under existing law, DOR may issue permits for retail sales of intoxicating liquor for premises within "dry" municipalities. DOR may also issue permits irrespective of local "Class B" license quotas. See s. 125.51 (5), stats. The attached draft allows caterers to sell alcohol beverages at catered events anywhere in the state, including at an event within a "dry" municipality, and exempts caterers permits from "Class B" quotas. Is this consistent with your intent?

With certain exceptions, including for restaurants, intoxicating liquor licenses and permits may not be issued for premises within 300 feet of a school, hospital, or church. See s. 125.68 (3), stats. The attached draft creates an exception for caterers permits, thereby allowing service of intoxicating liquor at catered events within 300 feet of a school, hospital, or church. See proposed s. 125.68 (3) (d). Is this consistent with your intent?

The attached draft also creates an exception to allow underage persons to be present, without an adult parent, on the premises of a catered event where alcohol beverages are served. See proposed s. 125.07 (3) (a) 13. Is this consistent with your intent?

The attached draft also creates an exception to allow fermented malt beverages to be served at a catered event on a business premises. See proposed s. 125.32 (3m) (h). Is this consistent with your intent?

(5)

The attached draft does not exempt caterers from the requirement that intoxicating liquor sold at a catered event must be purchased from a wholesaler, manufacturer, or rectifier. See s. 125.69(6), stats. A caterer may not, for example, sell wine at a catered event that is purchased from a retailer such as a liquor or grocery store. Since the attached draft limits caterers permits to persons who already hold other alcohol beverages licenses, caterers presumably already buy from a wholesaler, manufacturer, or rectifier.

Current permits issued by DOR allowing retail sales of intoxicating liquor on water vessels require the permittee to open the premises for inspection by DOR upon request. See s. 125.51(c) 1., stats. Do you want to include a provision in the attached draft stating, "The premises where a catered event is held shall be open to inspection by the department upon request."? Since the permittee will not be the owner of the premises where the catered event is held, such a provision may have little legal effect and may be considered intrusive of the privacy of the event's host.

The attached draft requires a caterer to give DOR at least 3 days' prior written notice of the date, time, and location of any catered event at which the caterer will sell alcohol beverages. Is this consistent with your intent? In addition to or in lieu of providing notice to DOR, would you like to require the caterer to provide notice to local law enforcement?

The caterers permits created by the attached draft are anomalous under chapter 125, as all other retail licenses and permits are issued for specifically designated premises. The attached draft includes details designed to make this new caterers permit system workable and consistent with other DOR permit provisions. Please review the attached draft carefully to ensure that all provisions are consistent with your intent. I also recommend that DOR review the draft to verify that it meets your needs and does not create undue problems with DOR's administration and enforcement of existing provisions of ch. 125.

Please call if you would like to discuss any of these matters further.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3250/1dn
ARC:rs&cmh:pg

September 24, 2001

The attached draft creates a new type of permit, issued by the department of revenue (DOR), for caterers that already hold alcohol beverage licenses issued by local municipalities. The creation of state-issued permits for caterers that "supplement" locally issued alcohol beverage licenses is similar to the structure adopted in the Minnesota statute attached to the request. Catering is a mobile business and the creation of the state-issued caterers permits in the attached draft allows caterers who are issued alcohol beverage licenses to serve alcohol beverages at catered events anywhere in the state. If the draft had been prepared to create locally issued caterers licenses, a caterer in Madison would need to obtain separate catering licenses for catered events in Madison, Middleton, Stoughton, or any other municipality. Is the creation of state-issued caterers permits, rather than locally issued caterers licenses, consistent with your intent?

Municipalities may elect not to issue any alcohol beverage licenses, i.e., to be "dry." See s. 125.05 (1), stats. Under existing law, DOR may issue permits for retail sales of intoxicating liquor for premises within "dry" municipalities000000000000000. DOR may also issue permits irrespective of local "Class B" license quotas. See s. 125.51 (5), stats. The attached draft allows caterers to sell alcohol beverages at catered events anywhere in the state, including at an event within a "dry" municipality, and exempts caterers permits from "Class B" quotas. Is this consistent with your intent?

With certain exceptions, including for restaurants, intoxicating liquor licenses and permits may not be issued for premises within 300 feet of a school, hospital, or church. See s. 125.68 (3), stats. The attached draft creates an exception for caterers permits, thereby allowing service of intoxicating liquor at catered events within 300 feet of a school, hospital, or church. See proposed s. 125.68 (3) (d). Is this consistent with your intent?

The attached draft also creates an exception to allow underage persons to be present, without an adult parent, on the premises of a catered event where alcohol beverages are served. See proposed s. 125.07 (3) (a) 13. Is this consistent with your intent?

The attached draft also creates an exception to allow fermented malt beverages to be served at a catered event on business premises. See proposed s. 125.32 (3m) (h). Is this consistent with your intent?

The attached draft does not exempt caterers from the requirement that intoxicating liquor sold at a catered event must be purchased from a wholesaler, manufacturer, or rectifier. See s. 125.69 (6), stats. A caterer may not, for example, sell wine at a catered event that is purchased from a retailer such as a liquor or grocery store. Since the attached draft limits caterers permits to persons who already hold other alcohol beverages licenses, caterers presumably already buy from a wholesaler, manufacturer, or rectifier.

Current permits issued by DOR allowing retail sales of intoxicating liquor on water vessels require the permittee to open the premises for inspection by DOR upon request. See s. 125.51 (5) (c) 1., stats. Do you want to include a provision in the attached draft stating, "The premises where a catered event is held shall be open to inspection by the department upon request."? Since the permittee will not be the owner of the premises where the catered event is held, such a provision may have little legal effect and may be considered intrusive of the privacy of the event's host.

The attached draft requires a caterer to give DOR at least 3 days' prior written notice of the date, time, and location of any catered event at which the caterer will sell alcohol beverages. Is this consistent with your intent? In addition to or in lieu of providing notice to DOR, would you like to require the caterer to provide notice to local law enforcement?

The caterers permits created by the attached draft are anomalous under chapter 125, as all other retail licenses and permits are issued for specifically designated premises. The attached draft includes details designed to make this new caterers permit system workable and consistent with other DOR permit provisions. Please review the attached draft carefully to ensure that all provisions are consistent with your intent. I also recommend that DOR review the draft to verify that it meets your needs and does not create undue problems with DOR's administration and enforcement of existing provisions of ch. 125.

Please call if you would like to discuss any of these matters further.

Aaron R. Gary
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LRB 3250

10/1/01

Telephone conference with Gary Radloff in Rep. Underheim's office.
Thinks that perhaps Minnesota law is not a good fit here. Wants redraft making it short and simple. Simply wants to authorize locals to issue a temporary license for caterers to sell wine and beer.

ARG



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3250 2
ARG:rs&cmh.pg

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2001 BILL

D-Note

Regen

- 1. AN ACT *to amend* 125.09 (1); and *to create* 125.07 (3) (a) 13., 125.27 (3), 125.32
- 2. (3m) (h), 125.51 (5) (d), 125.51 (5m) and 125.68 (3) (d) of the statutes; **relating**
- 3. *temporary alcohol beverage licenses for* **to:** ~~creating permits authorizing certain caterers to sell alcohol beverages on~~
- 4. ~~the premises of a catered event.~~

Insert
A

Analysis by the Legislative Reference Bureau

~~Current law prohibits, with certain exceptions, a person from selling alcohol beverages at retail unless the person possesses a license or permit authorizing the sale on the premises where sold. A municipality may issue to a person: a Class "B" license, which authorizes the retail sale of fermented malt beverages (beer) for consumption on or off the premises where sold; a "Class B" license, which authorizes the retail sale of intoxicating liquor, including wine, for consumption on or off the premises where sold; and a "Class C" license, which authorizes the retail sale of wine for consumption on the premises where sold. A restaurant may hold a retail license authorizing the sale of alcohol beverages on the restaurant's premises.~~

~~Under current law, a municipality may not issue a "Class B" license if issuance of the license would cause the municipality to exceed its quota for "Class B" licenses. A municipality may also elect not to issue any retail licenses for the sale of alcohol beverages.~~

~~This bill creates Class "B", "Class B", and "Class C" permits authorizing caterers to sell alcohol beverages on premises where catered events are held. The department of revenue (DOR) may issue a Class "B", "Class B", or "Class C" permit to any person who holds, respectively, a Class "B", "Class B", or "Class C" license~~

BILL

issued by a municipality and who also holds a restaurant permit issued by the department of health and family services or a local health department. The Class "B", "Class B", and "Class C" permits authorize the sale of, respectively, beer, intoxicating liquor, and wine on premises where an event catered by the permittee is held if the permittee serves food at the event and the sale of alcohol beverages at the event accounts for less than 50% of the gross receipts of all of the food and beverages served. These permits authorize the sale of alcohol beverages in any municipality where a catered event is held, regardless of whether the municipality has already met its "Class B" quota or whether the municipality has elected not to issue retail licenses for the sale of alcohol beverages.

A permittee under the bill may sell alcohol beverages only by the glass, and not in the original package or container, for consumption on the premises where the catered event is held during the time of the catered event. A permittee may not sell alcohol beverages on the same premises for more than three consecutive days or for more than 12 days in any calendar year. A permittee also may not sell alcohol beverages at a catered event if the premises on which the catered event is held are already covered by another alcohol beverages license or permit. The permittee must give DOR at least three days' prior written notice of the date, time, and location of any catered event at which the permittee will sell alcohol beverages, and must maintain records relating to alcohol beverages sales at all catered events.

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 ~~alcohol beverages~~ provided by a caterer holding the appropriate ~~permit~~.

~~Current law further prohibits, with certain exceptions, a person who has not reached the legal drinking age (21 years of age), and who is not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age, from entering or being on any premises for which a license or permit for the retail sale of alcohol beverages has been issued. This bill allows an unaccompanied person who has not reached the legal drinking age to enter and remain on the premises where a catered event is held.~~

Current law also prohibits, with certain exceptions, the issuance of a Class "B" license or permit for any premises where another business is conducted ~~and the issuance of a "Class B" license or permit for any premises that has a main entrance which is less than 300 feet from a school, hospital, or church.~~ This bill allows beer to be served at a catered event on premises where other business is conducted ~~and allows intoxicating liquor to be served at a catered event held on premises within 300 feet of a school, hospital, or church.~~

by a caterer holding a temporary license

beer and wine

temporary license.

BILL

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:

insert
B

~~SECTION 1. 125.07 (3) (a) 13. of the statutes is created to read:
125.07 (3) (a) 13. Premises on which a catered event is held and for which no license or permit for the retail sale of alcohol beverages has been issued other than under s. 125.27 (3) or 125.51 (5) (d) or (5m).~~

SECTION 2. 125.09 (1) of the statutes is amended to read:
125.09 (1) PUBLIC PLACE. No owner, lessee, or person in charge of a public place may permit the consumption of alcohol beverages on the premises of the public place, unless the person has an appropriate retail license or permit. This subsection does not apply to municipalities, buildings, and parks owned by counties, regularly established athletic fields and stadiums, school buildings, churches, premises in a state fair park or clubs, or premises where an event catered by a person holding a permit under s. 125.27 (3) or 125.51 (5) (d) or (5m) is held during the catered event.

~~SECTION 3. 125.27 (3) of the statutes is created to read:
125.27 (3) CATERERS. (a) The department shall issue a Class "B" permit to any person who holds a Class "B" license under this chapter, a restaurant permit under s. 254.64, and a valid certificate issued under s. 73.03 (50), authorizing the sale of fermented malt beverages on premises where an event catered by the person is held if the person serves food on the premises at the event and if the sale of intoxicating liquor and fermented malt beverages on the premises at the event accounts for less than 50% of the gross receipts of all of the food and beverages served on the premises at the event. The permit authorizes the sale of fermented malt beverages by the~~

on which a catered event is held under a temporary license issued to a caterer under s. 125.26 (6)

BILL**SECTION 3**

1 glass, and not in the original package or container, for consumption on the premises
2 where the catered event is held, during the catered event.

3 (b) Notwithstanding par. (a), a permit issued under this subsection does not
4 authorize the sale of fermented malt beverages on premises where a catered event
5 is held if the premises are covered by another license or permit issued under this
6 chapter other than a permit issued under s. 125.51 (5) (d) or (5m).

7 (c) A permittee under this subsection may not sell fermented malt beverages
8 on the same premises for more than 3 consecutive days or more than 12 days in any
9 calendar year.

10 (d) A permittee under this subsection may sell fermented malt beverages under
11 this subsection in any municipality without regard to any local option exercised
12 under s. 125.05.

13 (e) A permittee under this subsection shall give at least 3 days' prior written
14 notice to the department of the date, time, and location of any catered event at which
15 the permittee will sell fermented malt beverages. A permittee shall keep all invoices
16 relating to the purchase of fermented malt beverages for sale at any catered event.

17 (f) Upon revocation, suspension, or failure to renew the permittee's Class "B"
18 license specified in par. (a), a permit issued under this subsection is void.

19 (g) Except as provided in this subsection, all provisions of this chapter applying
20 to Class "B" licenses apply to Class "B" permits issued under this subsection.

21 (h) Persons holding a permit under this subsection may sell beverages
22 containing less than 0.5% of alcohol by volume for consumption on the premises
23 where a catered event is held without obtaining a license under s. 66.0433 (1).

24

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

BILL

temporary license

1
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125.32 (3m) (h) Premises on which a catered event is held under a permit issued ^{to a caterer} under s. ~~125.27(3)~~ 125.26(6)

3 SECTION 5. 125.51 (5) (d) of the statutes is created to read:

4 125.51 (5) (d) *Caterers*. 1. The department shall issue a "Class B" permit to
5 any person who holds a "Class B" license under this chapter, a restaurant permit
6 under s. 254.64, and a valid certificate issued under s. 73.03 (50), authorizing the sale
7 of intoxicating liquor on premises where an event catered by the person is held if the
8 person serves food on the premises at the event and if the sale of intoxicating liquor
9 and fermented malt beverages on the premises at the event accounts for less than
10 50% of the gross receipts of all of the food and beverages served on the premises at
11 the event. The permit authorizes the sale of intoxicating liquor by the glass, and not
12 in the original package or container, for consumption on the premises where the
13 catered event is held, during the catered event.

14 2. Notwithstanding subd. 1., a permit issued under this paragraph does not
15 authorize the sale of intoxicating liquor on premises where a catered event is held
16 if the premises are covered by another license or permit issued under this chapter
17 other than a permit issued under s. 125.27 (3).

18 3. A permittee under this paragraph may not sell intoxicating liquor on the
19 same premises for more than 3 consecutive days or more than 12 days in any calendar
20 year.

21 4. A permittee under this paragraph may sell intoxicating liquor under this
22 paragraph in any municipality without regard to any local option exercised under s.
23 125.05 and without regard to any quota under sub. (4).

24 5. A permittee under this paragraph shall give at least 3 days' prior written
25 notice to the department of the date, time, and location of any catered event at which

BILL

SECTION 5

1 the permittee will sell intoxicating liquor. A permittee shall keep all invoices relating
2 to the purchase of intoxicating liquor for sale at any catered event.

3 6. Upon revocation, suspension, or failure to renew the permittee's "Class B"
4 license specified in subd. 1., a permit issued under this paragraph is void.

5 7. Except as provided in this paragraph, all provisions of this chapter applying
6 to "Class B" licenses apply to "Class B" permits issued under this paragraph.

7 **SECTION 6.** 125.51(5m) of the statutes is created to read:

8 125.51 (5m) RETAIL "CLASS C" PERMITS. (a) The department shall issue a "Class
9 C" permit to any person who holds a "Class C" license under this chapter, a
10 restaurant permit under s. 254.64, and a valid certificate issued under s. 73.03 (50),
11 authorizing the sale of wine on premises where an event catered by the person is held
12 if the person serves food on the premises at the event and if the sale of intoxicating
13 liquor and fermented malt beverages on the premises at the event accounts for less
14 than 50% of the gross receipts of all of the food and beverages served on the premises
15 at the event. The permit authorizes the sale of wine by the glass, and not in the
16 original package or container, for consumption on the premises where the catered
17 event is held, during the catered event.

18 (b) Notwithstanding par. (a), a permit issued under this subsection does not
19 authorize the sale of wine on premises where a catered event is held if the premises
20 are covered by another license or permit issued under this chapter other than a
21 permit issued under s. 125.27 (3).

22 (c) A permittee under this subsection may not sell wine on the same premises
23 for more than 3 consecutive days or more than 12 days in any calendar year.

BILL

1 (d) A permittee under this subsection may sell wine under this subsection in
2 any municipality without regard to any local option exercised under s. 125.05 and
3 without regard to any quota under sub. (4).

4 (e) A permittee under this subsection shall give at least 3 days' prior written
5 notice to the department of the date, time, and location of any catered event at which
6 the permittee will sell wine. A permittee shall keep all invoices relating to the
7 purchase of wine for sale at any catered event.

8 (f) Upon revocation, suspension, or failure to renew the permittee's "Class C"
9 license specified in par. (a), a permit issued under this subsection is void.

10 (g) Except as provided in this subsection, all provisions of this chapter applying
11 to "Class C" licenses apply to "Class C" permits issued under this subsection.

12 **SECTION 7.** 125.68 (3) (d) of the statutes is created to read:

13 125.68 (3) (d) Catered premises covered by a permit under s. 125.51 (5) (d).

14 **SECTION 8. Effective date.**

15 (1) This act takes effect on the first day of the ^{3rd} ~~4th~~ month beginning after
16 publication.

17 (END)

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2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3250/2ins
ARG:.....

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, which 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 also issue temporary Class "B" and "Class B" licenses to caterers authorizing the sale of, respectively, beer and wine at a particular gathering, meeting, or event catered by the caterer. Caterers are subject to the same limit on issuance of temporary "Class B" licenses. Under the bill, a caterer is defined as any person holding a restaurant permit issued by the department of health and family services or a local health department 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.

SECTION 1. 125.02 (3r) of the statutes is created to read:

125.02 (3r) "Caterer" means any person holding a restaurant permit under s. 254.64 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.

SECTION 2. 125.26 (6) of the statutes is amended to read:

125.26 (6) Temporary Class "B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges, or societies that have been in existence for at least 6 months before the date of

Insert
A

Insert
B

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C



application, to caterers, and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, at a particular gathering, meeting, or event catered by the caterer, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the municipal governing body issuing the license but may not exceed \$10. An official or body authorized by a municipal governing body to issue temporary Class "B" licenses may, upon issuance of any temporary Class "B" license, authorize the licensee to permit underage persons to be on the premises for which the license is issued. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. A municipal governing body may issue a temporary Class "B" license for premises that are covered by a "Class B" permit issued under s. 125.51 (5) (b) 2. if the applicant meets the requirements of this subsection.

Insert
C
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SECTION 3. 125.51 (10) of the statutes is amended to read:

125.51 (10) TEMPORARY LICENSES. Notwithstanding s. 125.68 (3), temporary "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges, or societies that have been in existence for at least 6 months before the date of application, to caterers, and to posts of veterans' organizations authorizing the sale of wine in an original package, * container, or bottle or by the glass if the wine is dispensed directly from an original * package, container, or bottle at a particular picnic or similar gathering, at a meeting

Insert
D



of the post, at a particular gathering, meeting, or event catered by the caterer, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be \$10, except that no fee may be charged to a person who at the same time applies for a temporary Class "B" license under s. 125.26 (6) for the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine from the stands while the fair is being held. Not more than 2 licenses may be issued under this subsection to any club, county¹ or local fair association, agricultural association, church, lodge, society, caterer, or veterans' post in any 12-month period.

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(end of insert)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3250/2dn

ARG:.....

CS

d

cmh

Date

The attached draft adds "caterers" to the list of qualifying organizations that may hold a temporary Class "B" license under s. 125.26 (6) and a temporary "Class B" license under s. 125.51 (10). The draft allows any municipality to issue a temporary license to a caterer authorizing the sale of, respectively, beer and wine at a particular gathering, meeting, or event catered by the caterer. Under the attached draft, a caterer must specify the event for which the temporary license is sought and must obtain a new temporary license for each catered event. Is this consistent with your intent?

Under existing law, a municipality may only issue two temporary "Class B" licenses to an applicant in any 12-month period. The attached draft does not modify this limitation for caterers. Accordingly, under the draft, a caterer may only obtain a temporary license to sell wine at two events in any municipality in any 12-month period. Is this consistent with your intent?

As you requested, the attached draft makes substantial changes to LRB-3250/1, fitting caterers into the existing law relating to temporary licenses instead of creating a new department of revenue permit system for caterers. Because these changes will be much less complex in terms of implementation, the attached draft shortens the delay in the effective date from the sixth month following publication to the third month following publication.

If you have any questions, please feel free to call.

Aaron R. Gary
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E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3250/2dn
ARC:rs&cmh:pg

October 16, 2001

The attached draft adds "caterers" to the list of qualifying organizations that may hold a temporary Class "B" license under s. 125.26 (6) and a temporary "Class B" license under s. 125.51 (10). The draft allows any municipality to issue a temporary license to a caterer authorizing the sale of, respectively, beer and wine at a particular gathering, meeting, or event catered by the caterer. Under the attached draft, a caterer must specify the event for which the temporary license is sought and must obtain a new temporary license for each catered event. Is this consistent with your intent?

Under existing law, a municipality may issue only two temporary "Class B" licenses to an applicant in any 12-month period. The attached draft does not modify this limitation for caterers. Accordingly, under the draft, a caterer may obtain a temporary license to sell wine only at two events in any municipality in any 12-month period. Is this consistent with your intent?

As you requested, the attached draft makes substantial changes to LRB-3250/1, fitting caterers into the existing law relating to temporary licenses instead of creating a new department of revenue permit system for caterers. Because these changes will be much less complex in terms of implementation, the attached draft shortens the delay in the effective date from the sixth month following publication to the third month following publication.

If you have any questions, please feel free to call.

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LRB 3250
10/19/01

Telephone message from Gary Radloff in Rep. Underheim's office. Will be sending back comments on D-Note. Paragraphs 1 and 3 in D-Note are okay, but regarding paragraph 2, would like bill re-drafted to exempt caterers from the "two event" limitation.

ARG

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

LRB-3250/2dn
ARG:rs&cmh:pg

October 16, 2001

The attached draft adds "caterers" to the list of qualifying organizations that may hold a temporary Class "B" license under s. 125.26 (6) and a temporary "Class B" license under s. 125.51 (10). The draft allows any municipality to issue a temporary license to a caterer authorizing the sale of, respectively, beer and wine at a particular gathering, meeting, or event catered by the caterer. Under the attached draft, a caterer must specify the event for which the temporary license is sought and must obtain a new temporary license for each catered event. Is this consistent with your intent? *yes*

Exempt caterers from this provision
Under existing law, a municipality may issue only two temporary "Class B" licenses to an applicant in any 12-month period. The attached draft does not modify this limitation for caterers. Accordingly, under the draft, a caterer may obtain a temporary license to sell wine only at two events in any municipality in any 12-month period. Is this consistent with your intent?

As you requested, the attached draft makes substantial changes to LRB-3250/1, fitting caterers into the existing law relating to temporary licenses instead of creating a new department of revenue permit system for caterers. Because these changes will be much less complex in terms of implementation, the attached draft shortens the delay in the effective date from the sixth month following publication to the third month following publication.

If you have any questions, please feel free to call.

good
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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3250/3

ARG:rs&cmh:pg

Soon turned in 10/19

T
+ jld
RMR

2001 BILL

D-Note

Regen

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.

the number

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a

This bill authorizes any municipality to issue temporary Class "B" and "Class B" licenses also to caterers authorizing the sale of, respectively, beer and wine at a particular gathering, meeting, or event catered by the caterer. Caterers are subject to the same limit on issuance of temporary "Class B" licenses. 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.

not

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

that may be issued to the caterer in any 12-month period

BILL

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 wine 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:

BILL

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:

BILL

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, to caterers, and to posts of
 5 veterans' organizations authorizing the sale of wine in an original package,
 6 container, or bottle or by the glass if the wine is dispensed directly from an original
 7 package, container, or bottle at a particular picnic or similar gathering, at a meeting
 8 of the post, at a particular gathering, meeting, or event catered by the caterer, or
 9 during a fair conducted by the fair association or agricultural society. The amount
 10 of the fee for the license shall be \$10, except that no fee may be charged to a person
 11 who at the same time applies for a temporary Class "B" license under s. 125.26 (6)
 12 for the same event. A license issued to a county or district fair licenses the entire
 13 fairgrounds where the fair is being conducted and all persons engaging in retail sales
 14 of wine from leased stands on the fairgrounds. The county or district fair to which
 15 the license is issued may lease stands on the fairgrounds to persons who may engage
 16 in retail sales of wine from the stands while the fair is being held. Not more than 2
 17 licenses may be issued under this subsection to any club, county, or local fair
 18 association, agricultural association, church, lodge, society, ~~caterer~~ or veterans' post
 19 in any 12-month period.

SECTION 6. Effective date.

21 (1) This act takes effect on the first day of the 3rd month beginning after
 22 publication.

(END)

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3250/3dn

ARG:.....

CS + JLD

Date

The attached draft changes LRB-3250/2 by omitting caterers from the listed organizations in s. 125.51 (10) to which only two temporary "Class B" licenses may be issued in any 12-month period. Accordingly, under the attached draft, the number of temporary "Class B" licenses that a municipality may issue to a caterer is not limited.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3250/3dn
ARG:rs&jld:pg

October 23, 2001

The attached draft changes LRB-3250/2 by omitting caterers from the listed organizations in s. 125.51 (10) to which only two temporary "Class B" licenses may be issued in any 12-month period. Accordingly, under the attached draft, the number of temporary "Class B" licenses that a municipality may issue to a caterer is not limited.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Barman, Mike

From: Radloff, Gary
Sent: Tuesday, October 23, 2001 2:37 PM
To: Barman, Mike
Subject: LRB 3250/3 Electronic version request

Mike -- Rep. Underheim would like to request an electronic version of LRB 3250/3. Thank you.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN D. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

October 23, 2001

MEMORANDUM

To: Representative Underheim

From: Aaron R. Gary, Attorney

Re: LRB-3250/3 Temporary liquor license or permit for catcrers

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6926 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

LRB 3250

12/21/01 and 1/07/02 Messages from Tom Petri in Rep. Underheim's office. Wants to include intoxicating liquor along with beer and wine for caterers but not for other listed organizations. "Packaging/container" language presently in s. 125.51 (10) for wine is okay for intoxicating liquor too.

ARG



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3250/4
ARG/rs&ild/pg

lep (RMR)

2001 BILL

SOON
turned in 1/17

Gen

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2 (3r) and 125.32 (3m) (h) of the statutes; relating to: temporary alcohol
3 beverage licenses for caterers.

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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 ~~also~~ to caterers authorizing the sale of, respectively, beer and ~~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.

✓ intoxicating liquor (including wine)

BILL

intoxicating
liquor

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 wine 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.

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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.

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BILL

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2 county or local fair associations or agricultural societies, to churches, lodges, or
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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:

BILL

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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, to caterers, and to posts of
5 veterans' organizations authorizing the sale of wine in an original package,
6 container, or bottle or by the glass if the wine is dispensed directly from an original
7 package, container, or bottle at a particular picnic or similar gathering, at a meeting
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9 during a fair conducted by the fair association or agricultural society. The amount
10 of the fee for the license shall be \$10, except that no fee may be charged to a person
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15 the license is issued may lease stands on the fairgrounds to persons who may engage
16 in retail sales of wine from the stands while the fair is being held. Not more than 2
17 licenses may be issued under this subsection to any club, county, or local fair
18 association, agricultural association, church, lodge, society, or veterans' post in any
19 12-month period.

SECTION 6. Effective date.

20
21 (1) This act takes effect on the first day of the 3rd month beginning after
22 publication.

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3250/4ins
ARG:.....

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

(end ins A)

Insert
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