

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 07/19/2001

Received By: agary

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Larson

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Beverages - miscellaneous

Extra Copies: RCT

Submit via email: NO

Pre Topic:

LFB:.....Larson -

Topic:

Wine shipments into Wisconsin (item 2)

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>
/?	agary 07/19/2001	wjackson 07/19/2001		_____			
/1			kfollet 07/20/2001	_____	lrb_docadmin 07/20/2001		
/2	agary 07/26/2001	gilfokm 07/26/2001	kfollet 07/26/2001	_____	lrb_docadmin 07/26/2001		

FE Sent For:

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 07/19/2001

Received By: agary

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Larson

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Beverages - miscellaneous

Extra Copies: RCT

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Larson -

Topic:

Wine shipments into Wisconsin (item 2)

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>
/?	agary 07/19/2001	wjackson 07/19/2001		_____			
/1		<i>1/2 - 7/26 King</i> 1/26	kfollet 07/20/2001	_____	lrb_docadmin 07/20/2001		

FE Sent For:

1/26 *7/26* *RS*

<END>

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: **07/19/2001**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Larson**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Beverages - miscellaneous**

Extra Copies: **RCT**

Submit via email: **NO**

Requester's email:

Pre Topic:

LFB:.....Larson -

Topic:

Wine shipments into Wisconsin (item 2)

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>
/?	agary		KJL 7/20	SL/jf 7/20			

FE Sent For:

<END>



Legislative Fiscal Bureau

One East Main, Suite 301 - Madison, WI 53703 - (608) 266-3847 • Fax: (608) 267-6813

Date: 7-19-2001

DELIVER TO: Aaron Gary, LRB

Addressee Fax #: 4-6948 Addressee Phone #: _____

of Pages, Including Cover: (3) Sender's Initials: _____

From: Drew B. Larson

Message:

Conference Committee decision regarding
reciprocal wine shipments provisions.

Write a separate entry for Corp Common

FINAL VERSION

Final

Get to Drafting

AMENDMENT TO 125.58 (4) AND 139.035

SECTION 1. 125.58 (4) of the statutes is amended to read as follows:

(4) A winery located outside of this state may ship wine into this state as provided under s. 125.68 (10)(bm) if the winery is located in a state which has a reciprocal agreement with this state under s. 139.035. An out-of-state shipper's permit is not required for shipments into this state under this subsection; however, the winery must register with the Wisconsin Department of Revenue. ~~[There shall be no fee for registration.]~~ [There shall be a \$ 10⁺ annual registration fee.] A copy of the winery's current license from the state of its domicile shall be filed with the registration request. Additionally, any winery located outside of this state which ships wine into this state as provided under s. 125.68 (10) (bm) and any winery located in this state which ships wine out of this state pursuant to s. 139.035 shall file an annual report identifying the product shipped, the quantity shipped, the price of the product shipped and the customer by name, address and birth date to whom the product was shipped. The annual report shall be due by January 31 for the preceding calendar year. [Any wine shipped pursuant to this section shall only be delivered to a person who is of legal drinking age and who shall acknowledge delivery in writing.]

SECTION 2. Section 139.035 of the statutes is amended to read as follows: **Requirements**

139.035 Reciprocal Agreements. The department shall negotiate and, if possible, enter into reciprocal agreements with the appropriate officials of other states concerning the shipping of wine to individuals in this state under ss. 125.58 (4) and 125.68 (10) (bm). The purpose of the agreements shall be to permit those shipments while ensuring that the fiscal impact of shipments of wine to individuals in this state from other states, and from this state to individuals in other states, is fair to this state. An agreement under this section may include the provision

CONFIDENTIAL

1 that this state will tax wine shipped from this state to individuals in another state and the other
2 state will tax wine shipped to individuals in this state. Any shipments made pursuant to this
3 section are subject to the registration and reporting requirements of s. 125.58 (4).

4 ~~SECTION 3. Nonstatutory Provision. The Department of Revenue shall biennially~~
5 ~~report to the Joint Finance Committee on the amount of wine shipped into and out of the state~~
6 ~~pursuant to Wis., Stat. ss. 125.58 (4) and 139.035 and the tax consequences to the state.~~

~~SDC.....Keckhaver - CN1055, Alcohol beverages - out-of-state wine shippers~~

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

~~CAUCUS~~ SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

D-Note

substitute amendment

1

At the locations indicated, amend the ~~bill~~ as follows:

2

1. Page 933, line 8: after that line insert:

3

“SECTION 2799p. 125.031 of the statutes is created to read:

4

125.031 Department reports. By June 30, 2003, and by June 30 of each odd-numbered year thereafter, the department shall submit to the joint committee on finance a report identifying the amount of wine shipped by wineries located outside of this state to individuals in this state under ss. 125.58 (4) and 125.68 (10) (bm), the amount of wine shipped by permittees under ss. 125.52 and 125.53 from this state to individuals in states that have reciprocal agreements with this state

7

9

1 under s. 139.035, and the tax consequences to this state of these shipments into and
2 out of this state.”.

3 **2.** Page 939, line 16: after that line insert:

4 “SECTION 2812t. 125.52 (8) of the statutes is created to read:

5 125.52 (8) SALES TO INDIVIDUALS IN OTHER STATES. A permittee under this section
6 that ships wine from this state to individuals in another state under authorization
7 of a reciprocal agreement specified in s. 139.035 shall submit a report to the
8 department, by January 31 of each year, on forms furnished by the department. The
9 report shall include the identity, quantity, and price of all products shipped during
10 the previous calendar year from this state to individuals in another state under
11 authorization of a reciprocal agreement specified in s. 139.035. The report shall also
12 include the name, address, and birthdate of each person who purchased these
13 products and each person to whom these products were shipped. ↑

Insert A

14 SECTION 2812u. 125.53 (3) of the statutes is created to read:

15 125.53 (3) A permittee under this section that ships wine from this state to
16 individuals in another state under authorization of a reciprocal agreement specified
17 in s. 139.035 shall submit a report to the department, by January 31 of each year, on
18 forms furnished by the department. The report shall include the identity, quantity,
19 and price of all products shipped during the previous calendar year from this state
20 to individuals in another state under authorization of a reciprocal agreement
21 specified in s. 139.035. The report shall also include the name, address, and
22 birthdate of each person who purchased these products and each person to whom
23 these products were shipped. ↑

Insert B

24 SECTION 2812v. 125.58 (4) of the statutes is amended to read:

1 125.58 (4) (a) A winery located outside of this state may ship wine into this state
2 as provided under s. 125.68 (10) (bm) if ~~the~~ all of the following apply:

3 1. The winery is located in a state which ~~that~~ has a reciprocal agreement with
4 this state under s. 139.035.

5 (b) An out-of-state shipper's permit is not required for shipments into this
6 state under this subsection.

business tax registration

7 SECTION 2812w. 125.58 (4) (a) 2. of the statutes is created to read:

Insert C

8 125.58 (4) (a) 2. The winery holds a valid certificate issued under s. 73.03 (50). ↑

9 SECTION 2812wg. 125.58 (4) (a) 3. of the statutes is created to read:

10 125.58 (4) (a) 3. The winery submits to the department, with any initial
11 application or renewal for a certificate under s. 73.03 (50), a copy of any current
12 license, permit, or authorization issued to the winery by any state from which the
13 winery will ship wine into this state.

14 SECTION 2812wm. 125.58 (4) (a) 4. of the statutes is created to read:

15 125.58 (4) (a) 4. The winery submits a report to the department, by January
16 31 of each year, on forms furnished by the department, providing the identity,
17 quantity, and price of all products shipped into this state during the previous
18 calendar year, along with the name, address, and birthdate of each person who
19 purchased these products and each person to whom these products were shipped. ↑

Insert D

20 SECTION 2812x. 125.68 (10) (bm) of the statutes is amended to read:

21 125.68 (10) (bm) A winery in compliance with the requirements of s. 125.58 (4)
22 may ship wine into this state under s. 125.58 (4) from a state which ~~that~~ has a
23 reciprocal agreement with this state under s. 139.035 to an individual who is of the

24 legal drinking age) if the shipping container is clearly labeled to indicate that the
25 package may not be delivered to an underage person or to an intoxicated person. A

and who acknowledges in writing receipt of the wine shipped

1 person who receives wine under this paragraph may not sell it or use it for a
2 commercial purpose.”.

3 **3.** Page 1423, line 24: after that line insert:

4 “(4k) OUT-OF-STATE WINE SHIPPERS. The treatment of sections 125.031, 125.52
5 (8), 125.53 (3), 125.58 (4), and 125.68 (10) (bm) of the statutes and the creation of s.
6 125.58 (4) (a) 2., 3., and 4. of the statutes take effect on January 1, 2003.”.

7 (END)

D-Note

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2158/lins
ARG:.....

INSERT A

(no P) The department shall keep confidential, in the same manner required for tax returns under s. 71.78 (1), (4),[✓] and (5) to (8),[✓] reports submitted under this subsection.[✓]

INSERT B

(no P) The department shall keep confidential, in the same manner required for tax returns under s. 71.78 (1), (4), and (5) to (8), reports submitted under this subsection.[✓]

INSERT C

(no P) Notwithstanding s. 73.03 (50), the department shall charge an annual fee of \$10 for this registration.

INSERT D

(no P) The department shall keep confidential, in the same manner required for tax returns under s. 71.78 (1), (4), and (5) to (8), reports submitted under this subdivision.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2158/1dn

ARG:.....

WLY

ATTN: Drew Larson

The attached draft is identical to LRBb1066/1 (prepared for the Senate Democratic Caucus) except for the following:

1. Proposed s. 125.031 of LRBb1066/1, requiring the department of revenue (DOR) to submit a report biennially to the joint committee on finance, has been eliminated in the attached draft.
2. The attached draft requires reports submitted under proposed ss. 125.52 (8), 125.53 (3), and 125.58 (4) (a) 4. to be kept confidential by DOR in the same manner required for tax returns under s. 71.78 (1), (4), and (5) to (8). There is not a tight statutory "fit" between s. 71.78 and ch. 125; an alternative means of drafting would be to simply require DOR to keep the reports confidential except for the disclosure of summary or statistical information based upon the reports if the information does not identify any person submitting a report.
3. The attached draft adds to proposed s. 125.58 (4) (a) 2. a \$10 annual fee for the business tax registration certificate issued by DOR. This fee would override the amount and duration of the existing biennial registration fee imposed by DOR.
4. The attached draft further amends s. 125.68 (10) (bm) to require that the recipient of shipped wine acknowledge in writing receipt of the wine shipped. The existing provisions of s. 125.68 (10) (bm) already require that wine shipments only be to a person of legal drinking age.

The attached draft does not treat s. 139.035. Section 139.035 authorizes agreements between states. Section 139.035 recognizes that wine shipments from other states are made under ss. 125.58 (4) and 125.68 (10) (bm). Adding a sentence to s. 139.035 that "[a]ny shipments made pursuant to this section are subject to the registration and reporting requirements of s. 125.58 (4)" is misleading and redundant because shipments are made under ss. 125.58 (4) and 125.68 (10) (bm). Under existing law, wine shipments made under authorization of a reciprocal agreement must already comply with all provisions of ss. 125.58 (4) and 125.68 (10) (bm). Accordingly, s. 139.035 is not further treated here.

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

LRBb2158/1dn
ARC:wlj:kjf

July 20, 2001

ATTN: Drew Larson

The attached draft is identical to LRBb1066/1 (prepared for the Senate Democratic Caucus) except for the following:

1. Proposed s. 125.031 of LRBb1066/1, requiring the department of revenue (DOR) to submit a report biennially to the joint committee on finance, has been eliminated in the attached draft.
2. The attached draft requires reports submitted under proposed ss. 125.52 (8), 125.53 (3), and 125.58 (4) (a) 4. to be kept confidential by DOR in the same manner required for tax returns under s. 71.78 (1), (4), and (5) to (8). There is not a tight statutory "fit" between s. 71.78 and ch. 125; an alternative means of drafting would be to simply require DOR to keep the reports confidential except for the disclosure of summary or statistical information based upon the reports if the information does not identify any person submitting a report.
3. The attached draft adds to proposed s. 125.58 (4) (a) 2. a \$10 annual fee for the business tax registration certificate issued by DOR. This fee would override the amount and duration of the existing biennial registration fee imposed by DOR.
4. The attached draft further amends s. 125.68 (10) (bm) to require that the recipient of shipped wine acknowledge in writing receipt of the wine shipped. The existing provisions of s. 125.68 (10) (bm) already require that wine shipments only be to a person of legal drinking age.

The attached draft does not treat s. 139.035. Section 139.035 authorizes agreements between states. Section 139.035 recognizes that wine shipments from other states are made under ss. 125.58 (4) and 125.68 (10) (bm). Adding a sentence to s. 139.035 that "[a]ny shipments made pursuant to this section are subject to the registration and reporting requirements of s. 125.58 (4)" is misleading and redundant because shipments are made under ss. 125.58 (4) and 125.68 (10) (bm). Under existing law, wine shipments made under authorization of a reciprocal agreement must already comply with all provisions of ss. 125.58 (4) and 125.68 (10) (bm). Accordingly, s. 139.035 is not further treated here.

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

7/25/01 Telephone conversation with Bob in Rep. Foti's office. 266-8552. Language of draft is too broad. Parties agreed to narrower language. Only reason deal was struck was narrower language that delivery must be acknowledged on the common carrier receipt. See follow up c-mail that summarizes conversation.

7/25/01 Telephone message from Bob Karius in Rep. Foti's office. Has reviewed my e-mail. Working on having Speaker Jensen and Senator Chvala contact Bob Lang to request the change. If we get the okay from Sen. Chvala's office, language proposed in my e-mail would also be OK. 266-8552. cell is 290-2123.

7/26/01 Telephone conversation with Brett in Speaker Jensen's office. 264-6970. Agreed that adding language of Bob Karius' e-mail is fine. Assured me that three members of the Assembly conference committee – Jensen, Foti, and Gard – will sign off on the change.

7/26/01 Telephone message from Drew Larson at LFB. 6-3847. Received clearance – we should go ahead and make the change.

7/26/01 Telephone conversation with Rob Reinhardt at LFB. We should add the language set forth in Bob Karius' e-mail. LRB, not LFB, needs to do the legwork of getting assurances that members will sign off on the change.

SENTENCE IN BOB KARIUS' E-MAIL ADDED TO MASTER

ARG

Gary, Aaron

From: Gary, Aaron
Sent: Wednesday, July 25, 2001 5:27 PM
To: Karius, Bob
Subject: out of state shippers

Bob,

From our conversation late this afternoon, I understand that Rep. Foti believes the drafting does not completely reflect the agreement regarding item 2 on pp. 24-25 of the latest LFB summary. More specifically, "c." under the Conference Committee section of item 2 is at issue. At present, the pertinent portion of the draft reads: "an individual ... who acknowledges in writing receipt of the wine shipped" Based upon our conversation, I understand that Rep. Foti would like the draft to instead read something along the lines of: "an individual ... who acknowledges receipt of the wine shipped by signing the bill of lading or other common carrier receipt at the time of delivery" (Note: The common carrier "receipt" for cargo is termed a bill of lading and it is almost always referred to by this term.)

As we discussed, I have been advised that, at this point, to make a drafting change the LRB needs the co-chairs of the conf. cmte to sign off (in writing) on the requested change before we can begin drafting the change, and then 3 members of the conference committee must sign off (in writing) before we may incorporate the drafting change into the superamendment. The writing signed by the co-chairs should specify the LFB summary item to be addressed (which is indicated above) and should specify precisely what change is to be made. If you would like a form, I may be able to get one from our administrative services director, who should be back in the office before long. If you need it, our fax number is set forth below. Thanks. Aaron

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

Gary, Aaron

From: Burnett, Douglas
Sent: Wednesday, July 25, 2001 6:10 PM
To: Karius, Bob
Cc: Lang, Bob; Healy, Brett; Gary, Aaron; Reinhardt, Rob
Subject: RE: Wine Shipments--LRBb2158/1

I think the draft, with the drafters' note, conforms to the spirit of the agreement. So we don't believe a change is necessary.

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

From: Karius, Bob
Sent: Wednesday, July 25, 2001 5:47 PM
To: Burnett, Douglas
Subject: Wine Shipments

Doug, here is the agreed upon language regarding acknowledgement of delivery.

" A signature on the delivery form of the common carrier by a person of legal drinking age acknowledges delivery in writing."

This sentence was supposed to have been added following the sentence under letter C. at the bottom of page 25 of the Fiscal Bureau's comparative summary.

It was agreed upon by Eric Peterson, Bill McCoshen and Tom Hanson. Brett Healy has already talked to Bob Lang and requested that it be changed but they obviously need Senator Chvala's o.k. as well. We would appreciate your help as the LRB needs the o.k. tonight. Aaron Gary (261-6926) is drafting this section of the bill and needs Fiscal Bureau's o.k. to proceed.

We appreciate any help you can give us in honoring the deal as was intended by all parties.

Thanks,

Bob Karius

Gary, Aaron

From: Burnett, Douglas
Sent: Thursday, July 26, 2001 9:01 AM
To: Karius, Bob; Lang, Bob; Gary, Aaron; Reinhardt, Rob; Healy, Brett
Subject: Wine Shipments--LRBb2158/1

Rob Reinhardt from LFB will be contacting LRB to make a change to this draft to clarify that a signature on the delivery form of the common carrier acknowledges receipt. Sen. Chvala is ok making that change.

Gary, Aaron

From: Larson, Drew
Sent: Thursday, July 26, 2001 9:20 AM
To: Gary, Aaron
Subject: FW: Wine Shipments--LRBb2158/1

Confirming that the language appearing in quotes below and highlighted in red should be incorporated into LRBb2158/1 where appropriate and a new draft issued. Thank you.

Drew B. Larson
Legislative Fiscal Bureau
Tel. (608) 266-3847

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

From: Reinhardt, Rob
Sent: Thursday, July 26, 2001 8:03 AM
To: Larson, Drew
Subject: FW: Wine Shipments--LRBb2158/1

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

From: Burnett, Douglas
Sent: Wednesday, July 25, 2001 6:10 PM
To: Karius, Bob
Cc: Lang, Bob; Healy, Brett; Gary, Aaron; Reinhardt, Rob
Subject: RE: Wine Shipments--LRBb2158/1

I think the draft, with the drafters' note, conforms to the spirit of the agreement. So we don't believe a change is necessary.

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

From: **Karius, Bob**
Sent: Wednesday, July 25, 2001 5:47 PM
To: Burnett, Douglas
Subject: Wine Shipments

Doug, here is the agreed upon language regarding acknowledgement of delivery.

" A signature on the delivery form of the common carrier by a person of legal drinking age acknowledges delivery in writing."

This sentence was supposed to have been added following the sentence under letter C. at the bottom of page 25 of the Fiscal Bureau's comparative summary.

It was agreed upon by Eric Peterson, Bill McCoshen and Tom Hanson. Brett Healy has already talked to Bob Lang and requested that it be changed but they obviously need Senator Chvala's o.k. as well. We would appreciate your help as the LRB needs the o.k. tonight. Aaron Gary (261-6926) is drafting this section of the bill and needs Fiscal Bureau's o.k. to proceed.

We appreciate any help you can give us in honoring the deal as was intended by all parties.

Thanks,

Gary, Aaron

From: Gary, Aaron
Sent: Thursday, July 26, 2001 10:22 AM
To: Karius, Bob
Cc: Larson, Drew; Reinhardt, Rob
Subject: RE: out of state shippers

Bob,

I am working with the Fiscal Bureau on this and have received authority to change the draft. The plan at this time is to add the language that you provided to Doug Burnett yesterday. At the end of this process, the conferees sign off on the conference committee report. Because of the timing of this change, 3 conferees from each house will have to separately sign off on this change. The LRB will provide the form and the sign off will be done later, with the general sign off for the whole superamendment. However, before adding the change to the draft, I do need assurances that the sign off will be made at the appropriate time. I have been in contact with LFB about this. Probably further inquiries on the status or specifics of the change should be directed to LFB, which is in charge of directing the drafting. But rest assured, the issue is being addressed. Thanks. Aaron

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

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

From: Karius, Bob
Sent: Thursday, July 26, 2001 10:00 AM
To: Gary, Aaron
Subject: RE: out of state shippers

Aaron, thanks for your help on this. Just want to make sure that you have heard from Rob Reinhardt at the Fiscal Bureau regarding this issue.

Bob Karius
266-8552

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

From: Gary, Aaron
Sent: Wednesday, July 25, 2001 5:27 PM
To: Karius, Bob
Subject: out of state shippers

Bob,

From our conversation late this afternoon, I understand that Rep. Foti believes the drafting does not completely reflect the agreement regarding item 2 on pp. 24-25 of the latest LFB summary. More specifically, "c." under the Conference Committee section of item 2 is at issue. At present, the pertinent portion of the draft reads: "an individual ... who acknowledges in writing receipt of the wine shipped" Based upon our conversation, I understand that Rep. Foti would like the draft to instead read something along the lines of: "an individual ... who acknowledges receipt of the wine shipped by signing the bill of lading or other common carrier receipt at the time of delivery" (Note: The

Gary, Aaron

From: Burnett, Douglas
Sent: Thursday, July 26, 2001 10:50 AM
To: Gary, Aaron
Cc: Karius, Bob; Larson, Drew; Reinhardt, Rob; Bjork, Tanya; McNally, Maureen; Worcester, Barbara; Karius, Bob; Larson, Drew; Reinhardt, Rob
Subject: RE: Wine Shipments--LRBb2158/1

I can assure you that Senators Decker, Burke, and Chvala will sign off on this change, and I am certain that Sen. Panzer will also sign off, although you may want to contact Maureen McNally in her office.

Barb, Tanya, and Maureen—This change effectuates the intent of the agreement on the wine shipping provision between the Wisconsin Wine and Spirit Institute (represented by Eric Petersen and Bill McCoshen) and the Wine Institute (represented by Tom Hanson).

I have copied staff in all 3 offices on this e-mail, as well as Rep. Foti's staff, and LFB staff.

Thank you Aaron.

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

From: Gary, Aaron
Sent: Thursday, July 26, 2001 10:38 AM
To: Burnett, Douglas
Cc: Karius, Bob; Larson, Drew; Reinhardt, Rob
Subject: RE: Wine Shipments--LRBb2158/1

Doug,

I will add the specific language identified in Bob Karius' e-mail – “A signature on the delivery form of the common carrier by a person of legal drinking age acknowledges delivery in writing.” – at the end of line 24 on p. 3. of LRBb2158/1.

I understand Sen. Chvala has approved this. I need assurances that 3 members of the conference committee from the Senate will sign off on this change at the time of final sign-off for the conference committee report. Can you provide that assurance for 3 members of the Senate, or at least provide that assurance for Sen. Chvala and provide me the appropriate contact person in the offices of Sen. Decker, Sen. Burke, and Sen. Panzer? Thank you. Aaron

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

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

From: Burnett, Douglas
Sent: Thursday, July 26, 2001 9:01 AM
To: Karius, Bob; Lang, Bob; Gary, Aaron; Reinhardt, Rob; Healy, Brett
Subject: Wine Shipments--LRBb2158/1

Rob Reinhardt from LFB will contacting LRB to make a change to this draft to clarify that a signature on the delivery form of the common carrier acknowledges receipt. Sen. Chvala is ok making that change.

Gary, Aaron

From: Gary, Aaron
Sent: Thursday, July 26, 2001 10:56 AM
To: Burnett, Douglas
Cc: Karius, Bob; Larson, Drew; Reinhardt, Rob
Subject: RE: Wine Shipments--LRBb2158/1

Thank you Doug. I have also been provided assurance that 3 assembly members of the conference committee will sign off on the change, so we will make the change now. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.261.6918 (fax)
aaron.gary@legis.state.wi.us

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

From: Burnett, Douglas
Sent: Thursday, July 26, 2001 10:50 AM
To: Gary, Aaron
Cc: Karius, Bob; Larson, Drew; Reinhardt, Rob; Bjork, Tanya; McNally, Maureen; Worcester, Barbara; Karius, Bob; Larson, Drew; Reinhardt, Rob
Subject: RE: Wine Shipments--LRBb2158/1

I can assure you that Senators Decker, Burke, and Chvala will sign off on this change, and I am certain that Sen. Panzer will also sign off, although you may want to contact Maureen McNally in her office.

Barb, Tanya, and Maureen—This change effectuates the intent of the agreement on the wine shipping provision between the Wisconsin Wine and Spirit Institute (represented by Eric Petersen and Bill McCoshen) and the Wine Institute (represented by Tom Hanson).

I have copied staff in all 3 offices on this e-mail, as well as Rep. Foti's staff, and LFB staff.

Thank you Aaron.

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

From: Gary, Aaron
Sent: Thursday, July 26, 2001 10:38 AM
To: Burnett, Douglas
Cc: Karius, Bob; Larson, Drew; Reinhardt, Rob
Subject: RE: Wine Shipments--LRBb2158/1

Doug,

I will add the specific language identified in Bob Karius' e-mail – "A signature on the delivery form of the common carrier by a person of legal drinking age acknowledges delivery in writing." – at the end of line 24 on p. 3. of LRBb2158/1.

I understand Sen. Chvala has approved this. I need assurances that 3 members of the conference committee from the Senate will sign off on this change at the time of final sign-off for the conference committee report. Can you provide that assurance for 3 members of the Senate, or at least provide that

Gary, Aaron

From: McNally, Maureen
Sent: Thursday, July 26, 2001 10:57 AM
To: Burnett, Douglas; Gary, Aaron
Cc: Karius, Bob; Larson, Drew; Reinhardt, Rob; Bjork, Tanya; Worcester, Barbara; Karius, Bob; Larson, Drew; Reinhardt, Rob; Ottman, Tad
Subject: RE: Wine Shipments--LRBb2158/1

Senator Panzer will sign off on the change.

Thank you.

Maureen A. McNally

Chief of Staff

Office of Senator Panzer

maureen.mcnally@legis.state.wi.us

608/266-7513

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

From: Burnett, Douglas
Sent: Thursday, July 26, 2001 10:50 AM
To: Gary, Aaron
Cc: Karius, Bob; Larson, Drew; Reinhardt, Rob; Bjork, Tanya; McNally, Maureen; Worcester, Barbara; Karius, Bob; Larson, Drew; Reinhardt, Rob
Subject: RE: Wine Shipments--LRBb2158/1

I can assure you that Senators Decker, Burke, and Chvala will sign off on this change, and I am certain that Sen. Panzer will also sign off, although you may want to contact Maureen McNally in her office.

Barb, Tanya, and Maureen-This change effectuates the intent of the agreement on the wine shipping provision between the Wisconsin Wine and Spirit Institute (represented by Eric Petersen and Bill McCoshen) and the Wine Institute (represented by Tom Hanson).

I have copied staff in all 3 offices on this e-mail, as well as Rep. Foti's staff, and LFB staff.

Thank you Aaron.

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

From: **Gary, Aaron**
Sent: Thursday, July 26, 2001 10:38 AM
To: Burnett, Douglas
Cc: Karius, Bob; Larson, Drew; Reinhardt, Rob
Subject: RE: Wine Shipments--LRBb2158/1

Doug,

I will add the specific language identified in Bob Karius' e-mail - "A signature on the delivery form of the common carrier by a person of legal drinking age acknowledges delivery in writing." - at the end of line 24 on p. 3. of LRBb2158/1.

I understand Sen. Chvala has approved this. I need assurances that 3 members of the conference committee from the Senate will sign off on this change at the time of final sign-off for the conference committee report. Can you provide that assurance for 3 members of the Senate, or at least provide that assurance for Sen. Chvala and provide me the appropriate contact person in the offices of Sen. Decker, Sen. Burke, and Sen. Panzer? Thank you. Aaron

Aaron R. Gary



State of Wisconsin
2001 - 2002 LEGISLATURE

Today

LRBb2158/v 2
ARG:wlj:kjf
RMR
kg

LFB:.....Larson – Wine shipments into Wisconsin (item 2)

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 939, line 16: after that line insert:

3 **“SECTION 2812t.** 125.52 (8) of the statutes is created to read:

4 125.52 (8) SALES TO INDIVIDUALS IN OTHER STATES. A permittee under this section

5 that ships wine from this state to individuals in another state under authorization

6 of a reciprocal agreement specified in s. 139.035 shall submit a report to the

7 department, by January 31 of each year, on forms furnished by the department. The

8 report shall include the identity, quantity, and price of all products shipped during

9 the previous calendar year from this state to individuals in another state under

10 authorization of a reciprocal agreement specified in s. 139.035. The report shall also

1 include the name, address, and birthdate of each person who purchased these
2 products and each person to whom these products were shipped. The department
3 shall keep confidential, in the same manner required for tax returns under s. 71.78
4 (1), (4), and (5) to (8), reports submitted under this subsection.

5 **SECTION 2812u.** 125.53 (3) of the statutes is created to read:

6 125.53 (3) A permittee under this section that ships wine from this state to
7 individuals in another state under authorization of a reciprocal agreement specified
8 in s. 139.035 shall submit a report to the department, by January 31 of each year, on
9 forms furnished by the department. The report shall include the identity, quantity,
10 and price of all products shipped during the previous calendar year from this state
11 to individuals in another state under authorization of a reciprocal agreement
12 specified in s. 139.035. The report shall also include the name, address, and
13 birthdate of each person who purchased these products and each person to whom
14 these products were shipped. The department shall keep confidential, in the same
15 manner required for tax returns under s. 71.78 (1), (4), and (5) to (8), reports
16 submitted under this subsection.

17 **SECTION 2812v.** 125.58 (4) of the statutes is amended to read:

18 125.58 (4) (a) A winery located outside of this state may ship wine into this state
19 as provided under s. 125.68 (10) (bm) if the all of the following apply:

20 1. The winery is located in a state which that has a reciprocal agreement with
21 this state under s. 139.035.

22 (b) An out-of-state shipper's permit is not required for shipments into this
23 state under this subsection.

24 **SECTION 2812w.** 125.58 (4) (a) 2. of the statutes is created to read:

1 125.58 (4) (a) 2. The winery holds a valid business tax registration certificate
2 issued under s. 73.03 (50). Notwithstanding s. 73.03 (50), the department shall
3 charge an annual fee of \$10 for this registration.

4 **SECTION 2812wg.** 125.58 (4) (a) 3. of the statutes is created to read:

5 125.58 (4) (a) 3. The winery submits to the department, with any initial
6 application or renewal for a certificate under s. 73.03 (50), a copy of any current
7 license, permit, or authorization issued to the winery by any state from which the
8 winery will ship wine into this state.

9 **SECTION 2812wm.** 125.58 (4) (a) 4. of the statutes is created to read:

10 125.58 (4) (a) 4. The winery submits a report to the department, by January
11 31 of each year, on forms furnished by the department, providing the identity,
12 quantity, and price of all products shipped into this state during the previous
13 calendar year, along with the name, address, and birthdate of each person who
14 purchased these products and each person to whom these products were shipped.
15 The department shall keep confidential, in the same manner required for tax returns
16 under s. 71.78 (1), (4), and (5) to (8), reports submitted under this subdivision.

17 **SECTION 2812x.** 125.68 (10) (bm) of the statutes is amended to read:

18 125.68 (10) (bm) A winery in compliance with the requirements of s. 125.58 (4)
19 may ship wine into this state under s. 125.58 (4) from a state ~~which~~ that has a
20 reciprocal agreement with this state under s. 139.035 to an individual who is of the
21 legal drinking age and who acknowledges in writing receipt of the wine shipped if the
22 shipping container is clearly labeled to indicate that the package may not be
23 delivered to an underage person or to an intoxicated person. A person who receives
24 wine under this paragraph may not sell it or use it for a commercial purpose.”

→ A signature on the delivery form of the common carrier by a person of legal drinking age acknowledges delivery in writing.



LFB:.....Larson – Wine shipments into Wisconsin (item 2)

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 939, line 16: after that line insert:

3 **“SECTION 2812t.** 125.52 (8) of the statutes is created to read:

4 125.52 (8) SALES TO INDIVIDUALS IN OTHER STATES. A permittee under this section
5 that ships wine from this state to individuals in another state under authorization
6 of a reciprocal agreement specified in s. 139.035 shall submit a report to the
7 department, by January 31 of each year, on forms furnished by the department. The
8 report shall include the identity, quantity, and price of all products shipped during
9 the previous calendar year from this state to individuals in another state under
10 authorization of a reciprocal agreement specified in s. 139.035. The report shall also

1 include the name, address, and birthdate of each person who purchased these
2 products and each person to whom these products were shipped. The department
3 shall keep confidential, in the same manner required for tax returns under s. 71.78
4 (1), (4), and (5) to (8), reports submitted under this subsection.

5 **SECTION 2812u.** 125.53 (3) of the statutes is created to read:

6 125.53 (3) A permittee under this section that ships wine from this state to
7 individuals in another state under authorization of a reciprocal agreement specified
8 in s. 139.035 shall submit a report to the department, by January 31 of each year, on
9 forms furnished by the department. The report shall include the identity, quantity,
10 and price of all products shipped during the previous calendar year from this state
11 to individuals in another state under authorization of a reciprocal agreement
12 specified in s. 139.035. The report shall also include the name, address, and
13 birthdate of each person who purchased these products and each person to whom
14 these products were shipped. The department shall keep confidential, in the same
15 manner required for tax returns under s. 71.78 (1), (4), and (5) to (8), reports
16 submitted under this subsection.

17 **SECTION 2812v.** 125.58 (4) of the statutes is amended to read:

18 125.58 (4) (a) A winery located outside of this state may ship wine into this state
19 as provided under s. 125.68 (10) (bm) if the all of the following apply:

20 1. The winery is located in a state ~~which~~ that has a reciprocal agreement with
21 this state under s. 139.035.

22 (b) An out-of-state shipper's permit is not required for shipments into this
23 state under this subsection.

24 **SECTION 2812w.** 125.58 (4) (a) 2. of the statutes is created to read:

1 125.58 (4) (a) 2. The winery holds a valid business tax registration certificate
2 issued under s. 73.03 (50). Notwithstanding s. 73.03 (50), the department shall
3 charge an annual fee of \$10 for this registration.

4 **SECTION 2812wg.** 125.58 (4) (a) 3. of the statutes is created to read:

5 125.58 (4) (a) 3. The winery submits to the department, with any initial
6 application or renewal for a certificate under s. 73.03 (50), a copy of any current
7 license, permit, or authorization issued to the winery by any state from which the
8 winery will ship wine into this state.

9 **SECTION 2812wm.** 125.58 (4) (a) 4. of the statutes is created to read:

10 125.58 (4) (a) 4. The winery submits a report to the department, by January
11 31 of each year, on forms furnished by the department, providing the identity,
12 quantity, and price of all products shipped into this state during the previous
13 calendar year, along with the name, address, and birthdate of each person who
14 purchased these products and each person to whom these products were shipped.
15 The department shall keep confidential, in the same manner required for tax returns
16 under s. 71.78 (1), (4), and (5) to (8), reports submitted under this subdivision.

17 **SECTION 2812x.** 125.68 (10) (bm) of the statutes is amended to read:

18 125.68 (10) (bm) A winery in compliance with the requirements of s. 125.58 (4)
19 may ship wine into this state under s. 125.58 (4) from a state ~~which~~ that has a
20 reciprocal agreement with this state under s. 139.035 to an individual who is of the
21 legal drinking age and who acknowledges in writing receipt of the wine shipped if the
22 shipping container is clearly labeled to indicate that the package may not be
23 delivered to an underage person or to an intoxicated person. A person who receives
24 wine under this paragraph may not sell it or use it for a commercial purpose. A

1 signature on the delivery form of the common carrier by a person of legal drinking
2 age acknowledges delivery in writing.”.

3 **2.** Page 1423, line 24: after that line insert:

4 “(4k) OUT-OF-STATE WINE SHIPPERS. The treatment of sections 125.031, 125.52
5 (8), 125.53 (3), 125.58 (4), and 125.68 (10) (bm) of the statutes and the creation of s.
6 125.58 (4) (a) 2., 3., and 4. of the statutes take effect on January 1, 2003.”.

7 (END)