

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

LRB-3764/1dn  
ARG:cjs:jf

October 24, 2005

ATTN: Brian Pleva

As discussed, chapter 125 is riddled with ambiguities and inconsistencies related to beer distribution and sales. Depending on how certain provisions are interpreted, other provisions may be rendered meaningless or without real application. In the attached draft, I have not attempted to correct any of these existing problems (except for adding the cross-reference to s. 125.29 (4) in s. 125.31 (3), which appeared in the "/P1" draft) and have made the assumption that all existing provisions have at least some limited application.

I also note that, assuming ss. 125.29 and 125.31 require a brewer to hold a wholesale license in order to sell beer, then created s. 125.34 (3) (a) will require every brewer/wholesaler to have a written agreement with itself; I doubt that an agreement lacking at least two parties would be legally recognized.

Created s. 125.34 (6) (c) is drafted narrowly. I am not sure if an out-of-state shipper's permit actually specifies, or is issued for, a "premises." If not, this provision should be modified.

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