

**SENATE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 787**

November 8, 2005 – Offered by Senator BROWN.

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

2 **1.** Page 7, line 10: delete lines 10 to 19 and substitute:

3 “(bg) Notwithstanding par. (a), a brewer that, together with the fermented malt
4 beverages manufactured during the same year by all producers identified in s.
5 125.31 (1) (a) 1. a. to e., manufactures not more than 50,000 barrels of fermented malt
6 beverages in a calendar year in any location may be issued a wholesaler’s license for
7 wholesale premises located on brewery premises.

8 (bm) Notwithstanding par. (a), a brewer that, together with the fermented malt
9 beverages manufactured during the same year by all producers identified in s.
10 125.31 (1) (a) 1. a. to e., manufactures more than 50,000 barrels of fermented malt
11 beverages in a calendar year in any location may be issued a wholesaler’s license for
12 wholesale premises located on brewery premises but may not sell or ship more than
13 a total of 1,000 barrels of fermented malt beverages in any calendar year to retailers

1 from these wholesale premises. Fermented malt beverages provided by a brewer to
2 any retail premises for which the brewer holds the retail license shall not be included
3 in any calculation of the 1,000 barrel limitation under this paragraph.”.

4 **2.** Page 7, line 20: delete “Notwithstanding” and substitute “1. Except as
5 provided in par. (bm) and notwithstanding”.

6 **3.** Page 7, line 22: after that line insert:

7 “2. Notwithstanding subd. 1., a brewer issued a wholesaler’s license under
8 subd. 1. may, from the wholesale premises located on brewery premises, sell or ship
9 any brand of fermented malt beverages to retailers located in a designated sales
10 territory for the brand if the wholesaler to which the brewer has granted distribution
11 rights for the brand in this designated sales territory is unable to service the
12 designated sales territory for any reason, including because of discontinuance of the
13 wholesaler’s distribution rights. A brewer may sell or ship fermented malt beverages
14 to retailers under this subdivision for not more than 12 months after the wholesaler
15 becomes unable to service the wholesaler’s designated sales territory.”.

16 **4.** Page 8, line 21: after “territory.” insert “This paragraph does not apply if the
17 wholesaler is also a brewer and another wholesaler to whom this brewer has granted
18 distribution rights for the brand in the designated sales territory where the sale,
19 transportation, or delivery occurs has, notwithstanding sub. (3) (a), given consent for
20 the sale, transportation, or delivery or refused to service this territory.”.

21 (END)