

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 775**

December 6, 2005 – Offered by Representative PETTIS.

1 **AN ACT** *to renumber and amend* 125.28 (1); and *to amend* 125.30 (1) and
2 125.34 (2) (a) of the statutes; **relating to:** fermented malt beverages
3 wholesalers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 125.28 (1) of the statutes, as affected by 2005 Wisconsin Act
5 (Assembly Bill 787), is renumbered 125.28 (1) (a) and amended to read:
6 125.28 (1) (a) ~~Every~~ Subject to par. (b), every municipal governing body may
7 issue licenses to wholesalers for the sale of fermented malt beverages from premises
8 within the municipality, which premises shall comply with the requirements under
9 s. 125.34 (2). Subject to s. 125.34, a wholesaler's license authorizes sales of fermented
10 malt beverages only in original packages or containers to retailers or wholesalers,
11 not to be consumed in or about the wholesaler's premises ~~where sold. In the case of~~

1 ~~a foreign corporation or foreign limited liability company whose wholesale premises~~
2 ~~is located outside of this state,~~

3 (b) If a wholesaler does not maintain any warehouse in this state but is licensed
4 and maintains a warehouse in an adjoining state that allows wholesalers licensed
5 in this state to deliver fermented malt beverages to retailers in the adjoining state
6 without warehousing in that state and that further requires that all fermented malt
7 beverages be first unloaded at and distributed from the warehouse of the licensed
8 wholesaler in that state, the wholesaler's license shall be issued by the governing
9 body of the municipality in which some part of the wholesaler's business is conducted
10 in this state. Notwithstanding s. 125.04 (5) (a) 2. and (c) and (6), the municipal
11 governing body may issue the wholesaler's license to a wholesaler described in this
12 paragraph who is a natural person and not a resident of this state or that is a
13 corporation or limited liability company and has not appointed an agent in this state.

14 (c) No additional license or permit is required for the solicitation of orders for
15 sale to or by licensed wholesalers.

16 **SECTION 2.** 125.30 (1) of the statutes, as affected by 2005 Wisconsin Act ...
17 (Assembly Bill 787), is amended to read:

18 125.30 (1) The department shall issue out-of-state shippers' permits which,
19 except as provided in s. 125.34 (6) (c), authorize the permittee to ship fermented malt
20 beverages only to holders of a wholesaler's license issued under s. 125.28. ~~No~~ Except
21 with respect to any shipment from a warehouse in an adjoining state by a wholesaler
22 issued a wholesale license under s. 125.28 (1) (b), no person may receive fermented
23 malt beverages in this state which have been directly shipped from outside this state
24 by any person other than the holder of a permit issued under this section. Subject
25 to s. 125.34 (2) and (6) (c), all shipments of fermented malt beverages to a wholesaler

1 of fermented malt beverages in this state, whether shipped to the wholesaler from
2 inside this state or from outside this state, shall be unloaded in and distributed from
3 the wholesaler's warehouse in this state.

4 **SECTION 3.** 125.34 (2) (a) of the statutes, as created by 2005 Wisconsin Act ...
5 (Assembly Bill 787), is amended to read:

6 125.34 **(2)** (a) No fermented malt beverages may be sold, transported, or
7 delivered to a retailer unless, prior to such sale, transport, or delivery, the fermented
8 malt beverages are first unloaded at and distributed from a wholesaler's warehouse
9 premises covered by both a wholesaler's license issued under s. 125.28 and an alcohol
10 beverage warehouse permit issued under s. 125.19, which premises shall be in this
11 state and shall be a physically separate location from any retail premises or brewery
12 premises. This paragraph does not apply to a wholesaler issued a wholesaler's
13 license under s. 125.28 (1) (b) with respect to fermented malt beverages transported
14 and delivered from a warehouse in an adjoining state unless the wholesaler's
15 warehouse in the adjoining state is located on premises in the adjoining state used
16 for the manufacture of fermented malt beverages.

17 **SECTION 4. Initial applicability.**

18 (1) This act first applies to fermented malt beverages wholesalers' licenses
19 issued on the effective date of this subsection.

20 (END)