#### Bill

Received: 02/15/2007

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Fred Risser (608) 266-1627

By/Representing: Terry Tuschen (aide)

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**Beverages** 

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Sen.Risser@legis.wisconsin.gov

Carbon copy (CC:) to:

aaron.gary@legis.wisconsin.gov

#### Pre Topic:

No specific pre topic given

Topic:

Creating brew pub permit

**Instructions:** 

See Attached

#### **Drafting History:**

| Vers. | Drafted             | Reviewed               | Typed                  | Proofed   | Submitted              | <u>Jacketed</u> | Required |
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| /P2   | agary<br>03/16/2007 | wjackson<br>03/21/2007 | jfrantze<br>03/21/2007 | 7   | sbasford<br>03/21/2007 |                 | S&L      |
| /P3   | agary<br>03/22/2007 | wjackson<br>03/22/2007 | rschluet<br>03/22/2007 | 7   | sbasford<br>03/22/2007 |                 | S&L      |

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#### Bill

/P3

agary

03/22/2007

| Received                              | : 02/15/2007         |                  | Received By: agary                     |                |   |  |                 |  |
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rschluet 03/22/2007

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|   |   |                        | By/Representing: <b>Terry Tuschen (aide)</b> Drafter: <b>agary</b> Addl. Drafters: |  |  |                 |  |
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Subject: Beverages Extra Copies:

Submit via email: YES

Requester's email: Sen.Risser@legis.wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Creating brew pub permit

agary

**Instructions:** 

See Attached

**Drafting History:** 

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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<END>

## **Bill Request Form**

# Legislative Reference Bureau 100 N. Hamilton Street

Legal Section 266-3561

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You may use this form or talk directly with the LRB attorney who will draft the hill

| Date  | -07  |
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| Legislator, agency, or o  | ther person requesting this draft_Sen. Risse   |
|   | est (name and phone number) (em Tuschen 266-162-   |
|   | questions about this draft (names and phone numbers) Same  |
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| Describe the problem,   | ncluding any helpful examples. How do you want to solve the problem?   |
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| 6 read Do   | me Brewpus bill  |
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| Diago attach a convic   | any correspondence or other material that may help us. If you know of any  |
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DATE:

January 31, 2007

RE:

**Regulation of Brew Pubs** 

This will represent our "agreement in principle" - with the understanding of both parties that final agreement depends on draft language being mutually acceptable.

Items currently affecting "small brewers" and their owners not discussed here are assumed to apply in the same way to "brew pubs" (though due to drafting structure they may need to be written into a new section).

We will create a "brew pub license." "Brew pub" will mean a single brew pub or a group of brew pub locations under common ownership, and will be defined in the same manner as "brewer" is currently defined in 125.31(1)(a)1.a. through e (with exception of 4000 barrel limit).

Same as current law, to be eligible for a "brew pub license" each location:

- (1) must be licensed as a restaurant and have applicable alcohol retail licenses:
- (2) must derive 50% or more of its gross receipts from the sale of something other than alcohol beverages;
- (3) must also sell beer manufactured by other brewers.

Under the "brew pub license" brew pubs will be authorized to do the following:

- (a) brew 10,000 barrels annually (limit to apply in the aggregate to all locations as a whole);
- (b) A common ownership group (current 125.31(1)(a)1.a. through e.) may have up to 6 retail licenses statewide;
- (c) Brew pub may transport brew pub's brewed beer among its brewing/retail locations (not other brewers' beer);
- (d) Brew pub may sell and deliver up to 1000 barrels of brew pub's brewed beer annually to non-affiliated retailers (not other brewers' beer);

Finally, "brew pub license" holders or those with direct or indirect ownership interests in a "brew pub" will be prohibited from holding "wholesale licenses."

#### Gary, Aaron

From:

Tuschen, Terry

Sent:

Friday, February 09, 2007 1:36 PM

To: Cc: Gary, Aaron Tuschen, Terry

Subject:

RE: New Sen. Risser drafting request for changing Tiered House Laws

Hi Aaron, I'll forward your questions to the folks who put this together. I'm sure they can answer your questions better than I can. I'll get back to you when I hear back. Thanks, Terry

From:

Gary, Aaron

Sent:

Friday, February 09, 2007 1:34 PM

Tuschen, Terry

Subject:

RE: New Sen. Risser drafting request for changing Tiered House Laws

Hi Terry,

I took a quick look at the instructions. This is an approach that is substantially more complicated than what we've been working on. I know you're anxious to see this and I will make it a priority, but I won't be able to turn it right around there's a fair amount of work involved (how much depends in part on your responses to questions below). The instructions are also somewhat unclear. Would this be a retail license only, with the brew pub keeping its present brewer's permit and (probably) wholesaler's license? Or would this new creation be to replace all of the existing brewer's permit, wholesaler's license, and retail Class "B" license with one new license/permit? (To the extent you only want a retail license, the instructions have aspects that don't look like a retail license.) Also, if this is only a new type of retail license, available only to specified brewers holding brewers permits, it would be municipally issued. But if your intent is the one-license-foreverything approach, I think it should be a permit issued by DOR, OK? Finally, if this is intended to be a retail license, can the brew pub hold both "brew pub license" and Class "B" licenses (or would the brew pub forfeit its right to any Class "B" license by obtaining one "brew pub" license? And do you want to grandfather in any current Class "B" licenses to existing brew pubs, so if the brew pub has a Class "B" license when the bill goes into effect it won't forfeit that to get a new "brew pub" license)? Can a "brew pub licensee" also obtain a liquor license for the premises (under current law, you need the Class "B" beer license to get the "Class B" liquor license)?

Thanks. Aaron

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

From:

Tuschen, Terry

Sent:

Friday, February 09, 2007 11:17 AM

To: Cc:

Gary, Aaron Tuschen, Terry

RE: New Sen. Risser drafting request for changing Tiered House Laws

Hi Aaron, I'm having a page bring over some new language for this bill - going off of LRB 1168/P1. Our scanner doesn't work otherwise I'd just email the language directly. Anyway, let me know if you have any questions. I don't think it matters whether you use LRB 1168 or a whole new draft - whichever is easier and faster. I'd like to put a rush on this or a "hurry" if nothing else.

#### Thanks much,

Terry\_

From:

Gary, Aaron

Sent:

Monday, December 18, 2006 2:00 PM

To:

Tuschen, Terry

Subject:

RE: New Sen. Risser drafting request for changing Tiered House Laws

That shouldn't be a problem. Aaron

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

From:

Tuschen, Terry

Sent:

Monday, December 18, 2006 1:58 PM

To: Cc:

Gary, Aaron Tuschen, Terry

Subject:

RE: New Sen. Risser drafting request for changing Tiered House Laws

Thanks a lot Aaron. I have a request too if you can do it: I'd like to get a drafter's note summarizing the differences between the draft I sent over today, and the one you drafted previously for Fred, LRB 0044/P1 - if there are any.

Thanks and let me know if that mucks things up for you.

Terry

From:

Gary, Aaron

Sent:

Monday, December 18, 2006 12:55 PM

To:

Tuschen, Terry

Subject:

RE: New Sen. Risser drafting request for changing Tiered House Laws

Hi Terry.

I have received the instructions and entered the request as LRB-1168. I'll get back to you if I have any questions.

Aaron

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

From: Sent:

Tuschen, Terry

Monday, December 18, 2006 11:06 AM

To: Cc: Gary, Aaron

Subject:

Tuschen, Terry; 'phanson@wirestaurant.org'

New Sen. Risser drafting request for changing Tiered House Laws

Hi Aaron, I'm sending over a drafting request with instructions for the Tiered House issue by messenger. As the request notes, Pete Hanson and Ed Lump are authorized to discuss the draft with you and so forth. Let me know if you have any questions also.

Thanks much,

Terry

\*\*\*\*\*\*\*\*\*\*\*

Terry Tuschen Office of State Senator Fred Risser 123 South, State Capitol Madison, WI 53702 608.266.1627

Terry.Tuschen@legis.state.wi.us

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Library (608-266-7040)

Legal (608-266-3561)

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Library (608-266-7040)

Legal (608-266-3561)

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