



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 01/31/2007 (Per: ARG)




Appendix A


 The 2007 drafting file for **LRB-0092/P1**

has been copied/added to the

2007 drafting file for

LRB-1754

 The attached 2007 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as an appendix, to the new 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2007 drafting file. The drafting file was then returned, intact, to its folder and filed.

2007 DRAFTING REQUEST

Bill

Received: 08/31/2006

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Jeffrey Wood (608) 266-1194

By/Representing: Tony Blodgett (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Beverages

Extra Copies:

Submit via email: YES

Requester's email: Rep.WoodJ@legis.wisconsin.gov

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

Pre Topic:

No specific pre topic given

Topic:

Underage persons present at special fairs and temporary licenses; Renaissance Faire

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>
/?				_____			Local
/P1	agary 09/11/2006	jdye 09/14/2006	pgreensl 09/15/2006	_____	lparisi 09/15/2006		

FE Sent For:

<END>

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1/?	agary		9/15 pr	9/15 pr			

FE Sent For:

<END>

Gary, Aaron

From: Kraft, Becky
Sent: Wednesday, August 30, 2006 12:06 PM
To: Gary, Aaron
Cc: Blodgett, Tony
Subject: FW: Preliminary bill draft request
Attachments: Ren Faire alc lic exemption.doc

From: Blodgett, Tony
Sent: Wednesday, August 30, 2006 12:05 PM
To: LRB.Legal
Subject: Preliminary bill draft request

Hello,

Attached is a request for a preliminary draft for a bill relating to alcohol licensing . Please let me know if you have any questions.

Thanks.

-Tony

Tony Blodgett
Legislative Aide
Office of Rep. Jeff Wood
(608) 266-1194: Office
(608) 282-3667: Fax
tony.blodgett@legis.state.wi.us

08/30/2006

7 North State Capitol
Post Office Box 8953
Madison, WI 53708-8953
(608) 266-1194
Fax: (608) 282-3667

JEFF WOOD

State Representative • 67th Assembly District

District: 1501 Miles Street
Chippewa Falls, WI 54729
(715) 726-9226
Rep.Woodj@legis.state.wi.us
Toll-Free: (888) 534-0067

Preliminary Draft Request

Subject Area: Alcohol Licensing

Date: 8-30-06

Priority:

Contact: Tony Blodgett

Problem: The Renaissance Faire in Chippewa Falls is a for-profit festival that operates over several weeks in the summer. They would like to be able to directly sell beer, wine and meade on the premises without needing separate restricted areas where the alcoholic beverages can be sold and consumed – the festival is already in a fenced off area. What they want is to sell the alcoholic beverages in areas where minors are present, similar to what can be done under DOR Publication 302 pg. 6 par. 11.

Proposed Solution: Create an exemption. An exemption was created for dance halls in DOR Pub. 302 pg. 6 par. 9. Would want a permanent exemption similar to par. 11.

Special Requests:

State of Wisconsin
Department of Revenue

Wisconsin Alcohol Beverage and Tobacco Laws for Retailers

Publication 302 (4/06)

B. The "Proof of age Register" or "Identification Register Book" may be purchased, at a small fee, from:

1. Tavern League of Wisconsin, 2817 Fish Hatchery Road, Madison, WI, 53713, phone (608) 270-8591.
2. Wisconsin Grocers Assn., One S. Pinckney, Ste. 504, Madison, WI, 53703, phone (608) 244-7150.

XIII. PRESERVATION OF RECORDS

Alcohol beverage (and cigarette and tobacco products) retailers must purchase these products only from **Wisconsin wholesalers**. They may not be transferred between retail accounts, except that alcohol beverages may be as specified in "Transfer of Alcohol Beverage Stock," below.

Keep invoices for all purchases of liquor, beer, (and cigarettes and tobacco products) on the licensed premises for 2 years from the date of the invoice. Keep them in sequence and in chronological order. They must be available for inspection during business hours.

XIV. TRANSFER OF ALCOHOL BEVERAGE STOCK

If you sell your business, you may transfer your sealed liquor, wine and beer stock to another retail licensee in this state. List your entire sealed stock on an inventory Form AT-900 available at the Department of Revenue's web site at www.dor.state.wi.us. Complete this form in duplicate, sign it, and have it signed by the buyer. Give one copy to the buyer, to be kept as an invoice on the licensed premises, and keep one copy for your own records. Cigarettes and tobacco products may not be transferred.

XV. CREDIT LAWS

A licensee may only buy liquor or beer for cash or on credit terms for a period not to exceed 30 days (liquor) or 15 days (beer). Licensees may not buy liquor if they are in debt to any liquor wholesaler for more than 30 days, or beer if they are in debt to any beer wholesaler for more than 15 days. A person may not be issued a license if he or she exceeds these limits.

XVI. INSPECTION OF LICENSED PREMISES

- A. Licensed premises may be inspected by law enforcement officers during all reasonable hours, including all business hours. All rooms connected to the barroom, sales room, or storage area may be inspected as part of the licensed premise. Refusing to permit an inspection is grounds for revocation or suspension of the license.
- B. Liquor, beer, cigarettes, and personal property kept in violation of the statutes may be seized.

XVII. UNDERAGE PERSONS ENTERING LICENSED PREMISES

- A. An underage person accompanied by his or her parent, guardian, or spouse of legal drinking age may be on any licensed premises.
- B. An unaccompanied underage person may enter a Class A alcohol beverage licensed premises to buy items other than alcohol beverages. The underage person may not stay on the premises after the purchase.
- C. An unaccompanied underage person may also enter a licensed premises if:
 1. He or she is an employee, resident, lodger, or boarder on the premises, or;
 2. He or she enters to do business other than amusement or the purchase or consumption of food and beverages (see exception B above), or;
 3. He or she enters to buy food in a restaurant whose "principal business" is serving food, or;
 4. The premises is a hotel, drug store, grocery, bowling center, service station, indoor golf simulator facility, vessel, private tennis or soccer club, ski chalet, golf course or clubhouse, racetracks licensed under ch. 562, indoor or outdoor volleyball court, curling club, billiards centers having 12 or more billiards tables, privately owned fishing business that is open to the public for a fee, car operated on a railroad, a regularly established athletic field or a county

or municipally owned public facility as defined in sec. 125.51(5)(b), Wis. Stats., of the statutes, or a center for visual or performing arts, or;

5. The premises is in a state park or forest or a park owned by an agricultural society receiving state aid.
6. The premises has a Class "B" beer or "Class B" liquor license and the underage person is there to do business at an auction or flea market. In this case, the underage person may not enter any room where alcohol beverages are sold, furnished or possessed.
7. The premises has a Class "B" beer or "Class B" liquor license and the underage person is in a room where no alcohol beverages are sold, furnished, served, or consumed by anyone when the underage person is present. This applies only if the municipality adopts an ordinance allowing it. The local law enforcement agency must authorize, in writing, the presence of underage persons on the date of the authorization. A separate authorization is necessary for each date on which underage persons will be on the premises. (Sec. 125.07(3)(a)(8), Wis. Stats.)
8. The underage person is on Class "B" or "Class B" licensed premises, on a date specified by the license, when no alcohol beverages are consumed, sold, or given away. The licensee, the agent named on the license (if a corporation), or a person with an operator's license must be on the premises unless all alcohol beverages are in locked storage. The licensee must notify the local law enforcement agency, in advance, of when underage persons will be on the premises. (Sec. 125.07(3)(a)(10), Wis. Stats.)
9. The underage person enters and remains in a dance hall, or banquet or hospitality room attached to a Class B licensed premises, for the purpose of attending a banquet, reception, dance or other similar event.
10. The underage person is at least 18 years old, and is working under a contract with a licensee, permittee, or corporate agent to provide entertainment for customers on the premises.

11. The premises is issued a temporary Class "B" (picnic) beer license and the licensee is authorized to permit underage persons on the premises by the official or body of the municipality that issued the license.

125.07
(3)(a) 12.

Note: When the purpose of the above exemptions (that is, bowling, dining, recreation, etc.) can be accomplished without the underage person being in the barroom or other areas where alcohol beverages are sold or consumed, the underage person may not enter or remain in such areas (State vs. Ludwig Lanes, 31 Wis. 2nd 690).

- D. No retail licensee may permit an underage person, not accompanied by a parent, guardian, or spouse of legal drinking age, to enter any part of the licensed premises for any purpose except those stated on pages 5 and 6.
- E. You should demand proof of age of anyone entering the premises who appears to be under the legal drinking age. Wisconsin residents must prove age with either a valid Wisconsin identification card or a pictured Wisconsin driver's license. You or your employee should require anyone who has shown proof of legal drinking age to sign an ID register book, if the person's age is in question. Record the date of purchase, the identification used, the address, and the signature of the purchaser in the book. The book should be kept on the premises and available for inspection by any peace officer. (Sec. 125.07(7), Wis. Stats.)

XVIII. SALES AND SERVICE OF ALCOHOL BEVERAGES TO UNDERAGE PERSONS

An underage person accompanied by a parent, guardian, or spouse of legal drinking age may be sold or served alcohol beverages in any licensed premises. (Sec. 125.07(1), Wis. Stats.)

XIX. POSSESSION OF ALCOHOL BEVERAGES BY UNDERAGE PERSONS

An underage person may not possess alcohol beverages anywhere unless accompanied by a parent, guardian, or

125.07
(3)(a) 11.

Gary, Aaron

From: Gary, Aaron
Sent: Friday, September 08, 2006 1:54 PM
To: Blodgett, Tony
Subject: RE: Preliminary bill draft request

Hi Tony,

This will be LRB-0092. In reviewing the request, I'm not sure if the problem is in obtaining the temporary license AND the presence of underage persons, or is it just the presence of underage persons? Please let me know. Thanks. Aaron

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

From: Blodgett, Tony
Sent: Wednesday, August 30, 2006 12:05 PM
To: LRB.Legal
Subject: Preliminary bill draft request

Hello,

Attached is a request for a preliminary draft for a bill relating to alcohol licensing . Please let me know if you have any questions.

Thanks.

-Tony

Tony Blodgett
Legislative Aide
Office of Rep. Jeff Wood
(608) 266-1194: Office
(608) 282-3667: Fax
tony.blodgett@legis.state.wi.us

09/08/2006

Gary, Aaron

From: Blodgett, Tony
Sent: Friday, September 08, 2006 4:39 PM
To: Gary, Aaron
Subject: RE: WI Renaissance Faire - legislative exception

No rush - I'll be out next week and will be back the following Monday.

Thanks!

-Tony

Tony Blodgett
Legislative Aide
Office of Rep. Jeff Wood
(608) 266-1194: Office
(608) 282-3667: Fax
tony.blodgett@legis.state.wi.us

From: Gary, Aaron
Sent: Friday, September 08, 2006 4:36 PM
To: Blodgett, Tony
Subject: RE: WI Renaissance Faire - legislative exception

Not much hassle. The approaches would be quite different, so I couldn't just remove some provisions. But the temporary license draft would be pretty short and straightforward, so not much hassle to doing that in addition to the permanent license draft. I'll try to get the temporary license draft done on Monday (though I don't know how long it will take to get through our editing process). The other draft will take more time.

Have a good weekend. Aaron

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

From: Blodgett, Tony
Sent: Friday, September 08, 2006 3:55 PM
To: Gary, Aaron
Subject: RE: WI Renaissance Faire - legislative exception

09/08/2006

We want it drafted narrowly to just address their circumstances. Regarding creating a retail permit instead of a license, whatever gets the job done with the least amount of hassle works.

What's the possibility/difficulty of having two preliminary drafts I can share with them, one permanent and one temporary? Too much hassle, or just a matter of removing certain sections in the permanent draft to make it a temporary draft?

Tony Blodgett
Legislative Aide
Office of Rep. Jeff Wood
(608) 266-1194: Office
(608) 282-3667: Fax
tony.blodgett@legis.state.wi.us

From: Gary, Aaron
Sent: Friday, September 08, 2006 3:44 PM
To: Blodgett, Tony
Subject: RE: WI Renaissance Faire - legislative exception

Thanks Tony.

Making it a permanent license makes the draft much more complicated. It also subjects the group to the possible \$10,000+ fee and quota limits. Do you want to make a special permanent license narrowly tailored to fit the group's circumstances? If so, another but similar approach that might be preferable would be to create a DOR retail permit instead of a retail license.

I can draft up whatever you want, but to the extent you want to go from temporary license to permanent license, it will complicate the draft about 10-fold and, based upon my years drafting in this area, will very likely decrease the chances of the bill actually passing.

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

From: Blodgett, Tony
Sent: Friday, September 08, 2006 2:56 PM
To: Gary, Aaron
Subject: FW: WI Renaissance Faire - legislative exception

Hi Aaron,

Below and attached is info sent from the group requesting the change. It helps explain the intent, I think.

09/08/2006

Also, it is held on privately owned land.

Thanks.

-Tony

Tony Blodgett
Legislative Aide
Office of Rep. Jeff Wood
(608) 266-1194: Office
(608) 282-3667: Fax
tony.blodgett@legis.state.wi.us

Hello Jeff and Tony:

Just a reminder:

Who we are: The Wisconsin Renaissance Faire, located in Chippewa Falls, WI.

What we need: The ability to have underage patrons on the premises (a park-like setting, approximately 35 acres at present - fully enclosed with monitored gates) while beer and wine are served.

When we'd like it: before June 2007

Attached is a draft of what we'd like the exception to law to look like. Our intention was to make it specific enough that it wouldn't cause the Tavern Leagues to fear direct competition, but broad enough so that it wouldn't just cover our one event. We are intending to do similar family-friendly "themed" events as time goes on. The other thing that we wanted to accomplish, but don't know how to word it, is that we'd like to be able to serve wines, and meades. These would add to the cultural experience without, in my opinion, exposing children to harm.

Please take a look at this and let us know what you think. Thanks for your willingness to help in this matter.
Shannon Balts
715-830-7465

09/08/2006

The premises is a tourism related "themed-event" center that is opened to the public for a fee. The premises is enclosed with limited access to unauthorized visitors while alcoholic beverages are present. The underage person enters premises for the purpose of attending a Renaissance Faire, Wild West Show or similar cultural event.

Soon

ARG:.....

In 9/11

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

1 AN ACT ^{Gen} ...; relating to: temporary alcohol beverage licenses for private fair
 2 organizations and the prohibition against underage persons entering or being
 3 on premises operating under an alcohol beverage license.

Analysis by the Legislative Reference Bureau

Current law authorizes any municipality to issue temporary Class "B" and "Class B" licenses to certain clubs, fair associations, agricultural societies, churches, veterans organizations, lodges, and other societies, ~~that~~ authorize the retail sale of, respectively, fermented malt beverages (beer) and wine at fairs, meetings, picnics, and similar gatherings hosted by the organizations. A municipality may not issue to one of these organizations more than two temporary "Class B" licenses in any 12-month period.

This bill authorizes any municipality to issue temporary Class "B" and "Class B" licenses to private fair organizations authorizing the sale of, respectively, beer and wine (including mead) at private fairs. The temporary licenses authorize sales of, respectively, beer and wine by the licensees while the private fairs are being held and authorize sales on the entire grounds where the fairs are being held if these fairgrounds are fenced or access is otherwise limited to designated entry points. Private fair organizations are not subject to a limit on the number of temporary "Class B" licenses that may be issued to them in any 12-month period.

Under current law, a person who has not reached the legal drinking age (21 years of age) and who is not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age, may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued. Current law also provides for various exceptions to this prohibition.

This bill creates an exception to this prohibition for private fairgrounds for which a temporary Class "B" license is issued.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 125.07^x (3) (a) 14. of the statutes is created to read:

2 125.07 (3) (a) 14. An underage person who enters or remains on private
3 fairground premises for which a temporary Class "B" license is issued under s. 125.26
4 (6).

5 SECTION 2. 125.26^x (6) of the statutes is amended to read:

6 125.26 (6) Temporary Class "B" licenses may be issued to bona fide clubs, to
7 county or local fair associations or agricultural societies, to churches, lodges or
8 societies that have been in existence for at least 6 months before the date of
9 application, to private fair organizations, and to posts of veterans organizations
10 authorizing the sale of fermented malt beverages at a particular picnic or similar
11 gathering, at a meeting of the post, or during a fair conducted by the fair association,
12 private fair organization, or agricultural society. The amount of the fee for the license
13 shall be determined by the municipal governing body issuing the license but may not
14 exceed \$10. An Except where authorization is provided under s. 125.07 (3) (a) 14.,
15 an official or body authorized by a municipal governing body to issue temporary
16 Class "B" licenses may, upon issuance of any temporary Class "B" license, authorize
17 the licensee to permit underage persons to be on the premises for which the license
18 is issued. A license issued to a county or district fair licenses the entire fairgrounds
19 where the fair is being conducted and all persons engaging in retail sales of
20 fermented malt beverages from leased stands on the fairgrounds. The county or

1 district fair to which the license is issued may lease stands on the fairgrounds to
2 persons who may engage in retail sales of fermented malt beverages from the stands
3 while the fair is being held. A license issued to a private fair organization licenses
4 the entire grounds where the private fair is being conducted ✓ if these fairgrounds are
5 fenced or access to these fairgrounds is otherwise limited to designated entry points
6 and authorizes retail sales of fermented malt beverages only by the licensee and only
7 while the fair is being held. ✓ A municipal governing body may issue a temporary
8 Class "B" license for premises that are covered by a "Class B" permit issued under
9 s. 125.51 (5) (b) 2. if the applicant meets the requirements of this subsection.

History: 1981 c. 79; 1985 a. 302; 1987 a. 249, 399; 1989 a. 253; 1991 a. 269; 1993 a. 112, 378; 1995 a. 282; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 22, 103.

10 **SECTION 3.** 125.51 (10) of the statutes is amended to read:

11 125.51 (10) TEMPORARY LICENSES. Notwithstanding s. 125.68 (3), temporary
12 "Class B" licenses may be issued to bona fide clubs, to county or local fair associations
13 or agricultural societies, to churches, lodges or societies that have been in existence
14 for at least 6 months before the date of application, ✓ to private fair organizations, and
15 to posts of veterans' organizations authorizing the sale of wine in an original
16 package, container or bottle or by the glass if the wine is dispensed directly from an
17 original package, container or bottle at a particular picnic or similar gathering, at
18 a meeting of the post, or during a fair conducted by the fair association, private fair
19 organization, ✓ or agricultural society. The amount of the fee for the license shall be
20 \$10, except that no fee may be charged to a person who at the same time applies for
21 a temporary Class "B" license under s. 125.26 (6) for the same event. A license issued
22 to a county or district fair licenses the entire fairgrounds where the fair is being
23 conducted and all persons engaging in retail sales of wine from leased stands on the
24 fairgrounds. The county or district fair to which the license is issued may lease

1 stands on the fairgrounds to persons who may engage in retail sales of wine from the
2 stands while the fair is being held. A license issued to a private fair[✓]organization
3 licenses the entire grounds where the private fair is being conducted if these
4 fairgrounds are fenced or access to these fairgrounds is otherwise limited to
5 designated entry points and authorizes retail sales of wine only by the licensee and
6 only while the fair is being held. Not more than 2 licenses may be issued under this
7 subsection to any club, county or local fair association, agricultural association,
8 church, lodge, society or veterans post in any 12-month period.

History: 1981 c. 79, 202, 220; 1983 a. 27 ss. 1489c, 2202 (38); 1983 a. 250, 516; 1985 a. 74, 239, 302; 1987 a. 27, 91, 103, 249, 354, 399; 1989 a. 16, 30, 31, 252, 253, 359; 1991 a. 39; 1993 a. 112; 1995 a. 27; 1997 a. 27, 41, 248, 259; 1999 a. 9, 185; 2001 a. 16, 49; 2003 a. 124; 2005 a. 22, 268, 307.

9 **SECTION 4. Effective date.**

10 (1) This act takes effect on the first day of the 3rd month beginning after
11 publication.[✓]

12 (END)

D-Note

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

LRB-0092/P1dn

ARG: A:...

JLD

date

ATTN: Tony Blodgett

Please review the attached draft carefully to ensure that it is consistent with your intent.

Regarding created s. 125.07 (3) (a) 14, a person may only obtain a "Class B" license if the person holds a Class "B" license. See s. 125.51 (2) (f). I read this provision to apply to temporary licenses as well as permanent licenses. Accordingly, I only refer to s. 125.26 (6) in created s. 125.07 (3) (a) 14. because I believe it would be redundant to also refer to s. 125.51 (10).

Regarding amended s. 125.26 (6), I have drafted this provision so that underage persons are definitely allowed on the private fairground premises and local authorities do not have discretion to deny entry of underage persons on the fair premises. Is this okay?

Regarding amended s. 125.51 (10), I note that "mead" is included in the definition of wine under s. 125.02 (22), so the term "wine" here includes "mead." I also note that I have *not* amended the last sentence of this provision, so the license limit would *not* apply to private fair organizations.
e two-

I have included a short delayed effective date to allow local governments time to adapt their license-issuing procedures to these statutory changes.

I recommend that DOR and your local license-issuing authority review this draft to advise whether they see any technical concerns. I highly recommend that you discuss with DOR the idea of issuing permanent licenses for circumstances like the Renaissance Fair, as I believe such a permanent license would raise many technical concerns.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

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**

LRB-0092/P1dn
ARG:jld:pg

September 15, 2006

ATTN: Tony Blodgett

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I have included a short delayed effective date to allow local governments time to adapt their license-issuing procedures to these statutory changes.

I recommend that DOR and your local license-issuing authority review this draft to advise whether they see any technical concerns. I highly recommend that you discuss with DOR the idea of issuing permanent licenses for circumstances like the Renaissance Fair, as I believe such a permanent license would raise many technical concerns.

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



State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -
PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 10/10/2006 (Per: ARG)



☞ Appendix A

☞ The 2007 drafting file for LRB 07-0092/P1
has been copied/added to the 2007 drafting file for

LRB 07-0184

☞ The attached 2007 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as an appendix, to the new 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2007 drafting file. The drafting file was then returned, intact, to its folder and filed.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0092/P1
ARG:jld:pg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 125.26 (6) and 125.51 (10); and **to create** 125.07 (3) (a) 14. of
2 the statutes; **relating to:** temporary alcohol beverage licenses for private fair
3 organizations and the prohibition against underage persons entering or being
4 on premises operating under an alcohol beverage license.

Analysis by the Legislative Reference Bureau

Current law authorizes any municipality to issue temporary Class "B" and "Class B" licenses to certain clubs, fair associations, agricultural societies, churches, veterans organizations, lodges, and other societies, which authorize the retail sale of, respectively, fermented malt beverages (beer) and wine at fairs, meetings, picnics, and similar gatherings hosted by the organizations. A municipality may not issue to one of these organizations more than two temporary "Class B" licenses in any 12-month period.

This bill authorizes any municipality to issue temporary Class "B" and "Class B" licenses to private fair organizations authorizing the sale of, respectively, beer and wine (including mead) at private fairs. The temporary licenses authorize sales of, respectively, beer and wine by the licensees while the private fairs are being held and authorize sales on the entire grounds where the fairs are being held if these fairgrounds are fenced or access is otherwise limited to designated entry points. Private fair organizations are not subject to a limit on the number of temporary "Class B" licenses that may be issued to them in any 12-month period.

Under current law, a person who has not reached the legal drinking age (21 years of age), and who is not accompanied by his or her parent, guardian, or spouse

who has attained the legal drinking age, may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued. Current law also provides for various exceptions to this prohibition.

This bill creates an exception to this prohibition for private fairgrounds for which a temporary Class "B" license is issued.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 125.07 (3) (a) 14. of the statutes is created to read:

2 125.07 (3) (a) 14. An underage person who enters or remains on private
3 fairground premises for which a temporary Class "B" license is issued under s. 125.26
4 (6).

5 **SECTION 2.** 125.26 (6) of the statutes is amended to read:

6 125.26 (6) Temporary Class "B" licenses may be issued to bona fide clubs, to
7 county or local fair associations or agricultural societies, to churches, lodges or
8 societies that have been in existence for at least 6 months before the date of
9 application, to private fair organizations, and to posts of veterans organizations
10 authorizing the sale of fermented malt beverages at a particular picnic or similar
11 gathering, at a meeting of the post, or during a fair conducted by the fair association,
12 private fair organization, or agricultural society. The amount of the fee for the license
13 shall be determined by the municipal governing body issuing the license but may not
14 exceed \$10. An Except where authorization is provided under s. 125.07 (3) (a) 14.,
15 an official or body authorized by a municipal governing body to issue temporary
16 Class "B" licenses may, upon issuance of any temporary Class "B" license, authorize
17 the licensee to permit underage persons to be on the premises for which the license
18 is issued. A license issued to a county or district fair licenses the entire fairgrounds

1 where the fair is being conducted and all persons engaging in retail sales of
2 fermented malt beverages from leased stands on the fairgrounds. The county or
3 district fair to which the license is issued may lease stands on the fairgrounds to
4 persons who may engage in retail sales of fermented malt beverages from the stands
5 while the fair is being held. A license issued to a private fair organization licenses
6 the entire grounds where the private fair is being conducted if these fairgrounds are
7 fenced or access to these fairgrounds is otherwise limited to designated entry points
8 and authorizes retail sales of fermented malt beverages only by the licensee and only
9 while the fair is being held. A municipal governing body may issue a temporary
10 Class "B" license for premises that are covered by a "Class B" permit issued under
11 s. 125.51 (5) (b) 2. if the applicant meets the requirements of this subsection.

12 **SECTION 3.** 125.51 (10) of the statutes is amended to read:

13 125.51 (10) TEMPORARY LICENSES. Notwithstanding s. 125.68 (3), temporary
14 "Class B" licenses may be issued to bona fide clubs, to county or local fair associations
15 or agricultural societies, to churches, lodges or societies that have been in existence
16 for at least 6 months before the date of application, to private fair organizations, and
17 to posts of veterans' organizations authorizing the sale of wine in an original
18 package, container or bottle or by the glass if the wine is dispensed directly from an
19 original package, container or bottle at a particular picnic or similar gathering, at
20 a meeting of the post, or during a fair conducted by the fair association, private fair
21 organization, or agricultural society. The amount of the fee for the license shall be
22 \$10, except that no fee may be charged to a person who at the same time applies for
23 a temporary Class "B" license under s. 125.26 (6) for the same event. A license issued
24 to a county or district fair licenses the entire fairgrounds where the fair is being
25 conducted and all persons engaging in retail sales of wine from leased stands on the

1 fairgrounds. The county or district fair to which the license is issued may lease
2 stands on the fairgrounds to persons who may engage in retail sales of wine from the
3 stands while the fair is being held. A license issued to a private fair organization
4 licenses the entire grounds where the private fair is being conducted if these
5 fairgrounds are fenced or access to these fairgrounds is otherwise limited to
6 designated entry points and authorizes retail sales of wine only by the licensee and
7 only while the fair is being held. Not more than 2 licenses may be issued under this
8 subsection to any club, county or local fair association, agricultural association,
9 church, lodge, society or veterans post in any 12-month period.

10 **SECTION 4. Effective date.**

11 (1) This act takes effect on the first day of the 3rd month beginning after
12 publication.

13 (END)