

2011 DRAFTING REQUEST

Bill

Received: 10/07/2011

Received By: **agary**

Wanted: **As time permits**

Companion to LRB: **-2384**

For: **Frank Lasee (608) 266-3512**

By/Representing: **Mojgan Hall**

May Contact:

Drafter: **agary**

Subject: **Beverages**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lasee@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Retail licenses for wineries

Instructions:

Wants companion to LRB-2384; Andrew in Rep. Bies office gave me the OK

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>
/?	agary 10/07/2011	mduchek 10/07/2011		_____			
/1			phenry 10/07/2011	_____	mbarman 10/07/2011	lparisi 12/02/2011	

FE Sent For:

<END>

None

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1/?	agary	10/8/11 11 (M)	10/8 ph	_____ _____ X			

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE

SOCH



LRB-2384#

ARG:med&kjfp

3132/1

2011 BILL

in
10/7 stays

RMNR

Companion - no changes

1 AN ACT *to amend* 125.53 (1), 125.69 (1) (a) and 125.69 (1) (b) 4. of the statutes;
2 relating to: retail licenses held by wineries.

Analysis by the Legislative Reference Bureau

SA✓

Current law generally prohibits a winery holding a winery permit from having a direct or indirect interest in a "Class A" or "Class B" retail license or establishment. However, a winery may hold one retail license, which may be either a "Class A" retail license or a "Class B" retail license. A "Class A" license authorizes the retail sale of intoxicating liquor (wine and distilled spirits) for consumption off the premises in original packages and containers. A "Class B" license issued to a winery authorizes the retail sale of wine to be consumed by the glass or in opened containers on the licensed premises and authorizes the retail sale of wine in the original package or container to be consumed off the licensed premises.

This bill authorizes a winery to hold up to six retail licenses, which may be "Class A" licenses or "Class B" licenses or a combination of "Class A" and "Class B" licenses.

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

3 SECTION 1. 125.53 (1) of the statutes is amended to read:
4 125.53 (1) The department shall issue only to a manufacturing winery in this
5 state that holds a valid certificate issued under s. 73.03 (50) a winery permit

BILL**SECTION 1**

1 authorizing the manufacture and bottling of wine on the premises covered by the
2 permit for sale to wholesalers holding a permit under s. 125.54. A winery permit also
3 authorizes the permittee to, on the winery premises and without obtaining a
4 rectifier's permit, possess intoxicating liquor and mix or blend intoxicating liquor to
5 produce wine sold to wholesalers holding a permit under s. 125.54. A winery holding
6 a permit under this section may offer on the premises taste samples of wine
7 manufactured on the premises to persons who have attained the legal drinking age.
8 A permittee under this section may also ~~have either one~~ hold "Class A" ~~license or one~~
9 or "Class B" license, but not both. The licenses, or a combination of "Class A" and
10 "Class B" licenses, not exceeding a total of 6 such licenses for each winery permit.
11 Any "Class A" license or "Class B" license may ~~either~~ be issued for the winery
12 premises or for real estate owned or leased by the winery. If a "Class A" or "Class B"
13 ~~liquor retail~~ license has also been issued to the winery, the winery may provide wine
14 manufactured, mixed, or blended on the winery premises directly to the "Class A" or
15 "Class B" premises and may offer the taste samples on the "Class A" or "Class B"
16 premises.

17 **SECTION 2.** 125.69 (1) (a) of the statutes is amended to read:

18 125.69 (1) (a) No intoxicating liquor manufacturer, rectifier, winery,
19 out-of-state shipper permittee, or wholesaler may hold any direct or indirect
20 interest in any "Class A" license or establishment and no "Class A" licensee may hold
21 any direct or indirect interest in a wholesale permit or establishment, except that a
22 winery that has a permit under s. 125.53 may have an ownership interest in a "Class
23 A" license to the extent authorized under s. 125.53 (1) and a person may hold a "Class
24 A" license and both a winery permit under s. 125.53 and a manufacturer's or
25 rectifier's permit under s. 125.52 and may make retail sales and provide taste

BILL

1 samples as authorized under ~~the~~ each “Class A” license and ss. 125.06 (13) and
2 125.52 (1) (b) 2.

3 **SECTION 3.** 125.69 (1) (b) 4. of the statutes is amended to read:

4 125.69 (1) (b) 4. A winery that has a permit under s. 125.53 may have an
5 ownership interest in a “Class B” license issued under s. 125.51 (3) (am), to the extent
6 authorized under s. 125.53 (1), and a person may hold a “Class B” license and both
7 a winery permit under s. 125.53 and a manufacturer’s or rectifier’s permit under s.
8 125.52 and may make retail sales and provide taste samples as authorized under ~~the~~
9 each “Class B” license and s. 125.52 (1) (b) 2.

10

(END)

Gary, Aaron

From: Kovach, Robert
Sent: Monday, November 07, 2011 12:00 PM
To: Gary, Aaron
Subject: FW: Revised Memo from Margit Kelley, Legislative Council

Attachments: 1271_001.pdf

Dear Aaron,

Can you place a copy of this memo from Leg. Council into the drafting file?. It is consistent with Sen Lasee's intent on this bill and clarifies it.

Thank you,

Rob Kovach
Chief of Staff
Office of State Senator Frank Lasee
608-266-3512

*add to
file 11-
3132*

From: Young, Tracey
Sent: Monday, November 07, 2011 11:56 AM
To: Kovach, Robert
Cc: Kelley, Margit
Subject: Revised Memo from Margit Kelley, Legislative Council

Hi Robert,

Here is the revised memo you requested from Margit. Thanks.



1271_001.pdf (71 KB)



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: SENATOR FRANK LASEE

FROM: Margit Kelley, Staff Attorney *MSK*

RE: Description of LRB-3132/1, Relating to Retail Licenses Held by Wineries

DATE: November 7, 2011 (Revised November 7, 2011)

This memorandum, prepared at your request, describes bill draft LRB-3132/1, relating to retail licenses held by wineries.

CURRENT LAW

With a permit, current law allows a winery to manufacture and bottle wine on its premises, to provide taste samples on its premises of its wine, and to sell its wine to wholesalers.

A winery may also have either a "Class A" or a "Class B" retail liquor license, but not both, for its premises or another location. A "Class A" retail license allows alcohol to be sold in an original package, unopened, for consumption off the premises. A "Class B" retail license for a winery allows wine to be sold by the glass or in opened containers, of the winery's own or other wines, and also allows wine to be sold in an original package for consumption off the premises. Beer and liquor are not allowed to be sold under a winery's "Class B" retail license. With either license, a winery may provide taste samples.

A small winery that produces less than 25,000 gallons of wine in a calendar year is permitted to join a small winery cooperative wholesaler. The cooperative must apply for a wholesaler's permit. The cooperative may then purchase wine on consignment from its members to be resold to retailers and other wholesalers.

BILL DRAFT

The bill draft removes the restriction on a winery that allows it to hold only one "Class A" or "Class B" retail license, total. Instead the bill draft allows a winery to hold up to six retail licenses, for six locations, total, in any combination of both "Class A" and "Class B" licenses. Therefore, if the other

locations are part of the winery's business, then the winery may have direct retail sales through those six locations, without going through a distributor or wholesaler.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

MSK:ty

Parisi, Lori

From: Kovach, Robert

Sent: Friday, December 02, 2011 3:20 PM

To: LRB.Legal

Subject: Please Jacket LRB-3132/1

Please Jacket LRB-3132/1 for Retail Licenses for Wineries

I spoke to Lori, and I will also come over to pick this up around 4pm.

Rob Kovach
Chief of Staff
Office of State Senator Frank Lasee
608-266-3512

12/2/2011