

2013 DRAFTING REQUEST

Bill

Received: 11/21/2013 Received By: agary
Wanted: As time permits Same as LRB:
For: Glenn Grothman (608) 266-7513 By/Representing: Adam Gibbs
May Contact: Drafter: agary
Subject: Beverages Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Grothman@legis.wisconsin.gov
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Closing hours for retail sales by wineries

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>
/?	agary 1/14/2014			_____			
/P1	agary 1/22/2014	jdyer 1/16/2014	rschluet 1/16/2014	_____	sbasford 1/16/2014		
/1		jdyer 1/23/2014	rschluet 1/23/2014	_____	mbarman 1/23/2014	srose 1/31/2014	

NOT
NEEDED

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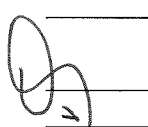
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/?	agary	PI 1/16 jkd		_____			

FE Sent For:

<END>

Gary, Aaron

From: Gibbs, Adam
Sent: Tuesday, January 14, 2014 10:43 AM
To: Gary, Aaron
Subject: RE: Sen. Grothman: Drafting Request - Wine Sales/Service Time Change

Thank you following up with me Aaron. I greatly appreciate it. Sen. Grothman would like the municipality to be able to implement stricter rules, if it so chooses.

Thank you!

Sincerely,

Adam Gibbs

Office of Senator Grothman
20th Senate District
(608) 266-7513

From: Gary, Aaron
Sent: Tuesday, January 14, 2014 9:49 AM
To: Gibbs, Adam
Subject: RE: Sen. Grothman: Drafting Request - Wine Sales/Service Time Change

Hi Adam,

Just wanted to follow up on this. Does Sen. Grothman still want this draft and, if so, has he made a decision on the municipal override issue? Thanks. Aaron

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

From: Gibbs, Adam
Sent: Tuesday, November 26, 2013 3:03 PM
To: Gary, Aaron
Subject: RE: Sen. Grothman: Drafting Request - Wine Sales/Service Time Change

Excellent! Thank you for the information, Aaron.

I will get back to you as soon as possible on the municipal override issue. Thank you.

Sincerely,

Adam Gibbs

Office of Senator Grothman
20th Senate District
(608) 266-7513

From: Gary, Aaron
Sent: Tuesday, November 26, 2013 2:57 PM
To: Gibbs, Adam
Subject: RE: Sen. Grothman: Drafting Request - Wine Sales/Service Time Change

Hi Adam,

I believe the issue of wine tastings will not need to be treated in the bill. Under current law, a winery may (under its winery permit) offer taste samples on the winery premises of its own wine. There is no time restriction on when the taste samples can be offered. If the winery also has a "Class B" license, the "closing hour" for sales and for taste samples would be the same on the "Class B" licensed premises. Therefore, I think the bill would be as simple as changing 9:00 pm to midnight in s. 125.68 (4) (c) 3m. unless you want to prevent a municipality from overriding this and setting an earlier closing time.

After 2011 Act 32, unlike wineries, brewers do not hold a retail license issued by a municipality. At this point, there is no statutory "closing hour" for retail activities by brewers, no rules related to beer tastings, and local authority to regulate brewer retail activities is not clearly delineated. Because brewers no longer operate under a retail license (since the 2011 budget bill), they are really a different animal.

Aaron

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

From: Gibbs, Adam
Sent: Tuesday, November 26, 2013 11:56 AM
To: Gary, Aaron
Subject: RE: Sen. Grothman: Drafting Request - Wine Sales/Service Time Change

Aaron,

We would like to only apply to wineries with Class B licenses and only apply to wine (some wineries make bourbon, etc.).

As for the question of municipal ordinance, is there a separate set of rules governing beer tastings at breweries? Do they have a time limit for events/tours they put on? Is that open to local ordinance restriction as well? I am going to be checking with Senator Grothman about this aspect of the bill see what he would like to do, but if you could let me know how breweries handle their beer tastings and events, that may help us craft this bill. Thank you.

Sincerely,

Adam Gibbs
Office of Senator Grothman
20th Senate District
(608) 266-7513

From: Gary, Aaron
Sent: Monday, November 25, 2013 3:59 PM
To: Gibbs, Adam
Subject: RE: Sen. Grothman: Drafting Request - Wine Sales/Service Time Change

Hi Adam,

I am assuming you want to change the closing hour only for wineries that hold a "Class B" license (the same license that taverns and restaurants have), not for wineries that hold a "Class A" license (the license that liquor stores, grocery stores, and other "package stores" have).

Also, do you want the municipality to be able to impose a more restrictive closing hour by ordinance. In other words, after the bill passes, would you want a municipality to be able to override the bill and impose a closing hour of 9:00 pm again? (Unless I add a treatment to the bill on this issue, that would be a possibility.)

Thanks. Aaron

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

From: Gibbs, Adam
Sent: Thursday, November 21, 2013 10:46 AM
To: Gary, Aaron
Subject: Sen. Grothman: Drafting Request - Wine Sales/Service Time Change

Hi Aaron,

Sen. Grothman would like a bill drafted to allow alcohol sales/service for wineries and wine tastings to serve until 12:00am (midnight) instead of the current restriction of 9:00pm.

Please let me know if you have any questions or need any further clarification. Thank you!

Sincerely,

Adam Gibbs

Office of Senator Grothman
20th Senate District
(608) 266-7513



in
1/14



scan

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

✓
1

Gen

AN ACT ...; relating to: closing hours for retail sales by wineries. ✓

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. Current law allows a winery to hold one retail license, which may be either a "Class A" license or a "Class B" license. ✓ 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. A winery operating under a retail "Class B" license may not remain open for retail sales of wine between the hours of 9 p.m. and 8 a.m. ✓

This bill changes the closing hour for wineries operating under a retail "Class B" license from 9 p.m. to midnight, ✓ but allows municipalities to establish, by ordinance, more restrictive closing hours for these wineries. ✓

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

2
3
4

SECTION 1. 125.68 (4) (c) 3m. of the statutes is amended to read: ✓

125.68 (4) (c) 3m. No premises for which a "Class B" license has been issued under s. 125.51 (3) (am) may remain open for the sale of intoxicating liquor between

1 the hours of ~~9 p.m.~~ 12 midnight and 8 a.m. A municipality may, by ordinance, impose
2 more restrictive hours than are provided in this subdivision.

3

(END)

Gary, Aaron

From: Gibbs, Adam
Sent: Wednesday, January 22, 2014 1:09 PM
To: Gary, Aaron
Subject: RE: Sen. Grothman: Drafting Request - Wine Sales/Service Time Change
Attachments: 13-3698_P1.pdf

Hi Aaron,

This language looks good! Could you have this put into introducible form for us? Thanks!

Sincerely,

Adam Gibbs

Office of Senator Grothman
20th Senate District
(608) 266-7513

From: Gary, Aaron
Sent: Tuesday, November 26, 2013 2:57 PM
To: Gibbs, Adam
Subject: RE: Sen. Grothman: Drafting Request - Wine Sales/Service Time Change

Hi Adam,

I believe the issue of wine tastings will not need to be treated in the bill. Under current law, a winery may (under its winery permit) offer taste samples on the winery premises of its own wine. There is no time restriction on when the taste samples can be offered. If the winery also has a "Class B" license, the "closing hour" for sales and for taste samples would be the same on the "Class B" licensed premises. Therefore, I think the bill would be as simple as changing 9:00 pm to midnight in s. 125.68 (4) (c) 3m. unless you want to prevent a municipality from overriding this and setting an earlier closing time.

After 2011 Act 32, unlike wineries, brewers do not hold a retail license issued by a municipality. At this point, there is no statutory "closing hour" for retail activities by brewers, no rules related to beer tastings, and local authority to regulate brewer retail activities is not clearly delineated. Because brewers no longer operate under a retail license (since the 2011 budget bill), they are really a different animal.

Aaron

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

From: Gibbs, Adam
Sent: Tuesday, November 26, 2013 11:56 AM
To: Gary, Aaron
Subject: RE: Sen. Grothman: Drafting Request - Wine Sales/Service Time Change

Aaron,



Scm



LRB-3698/PA 1
ARG:jld:rs

2013 Bill 1/22

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

VX

Regen

1 AN ACT to amend 125.68 (4) (c) 3m. of the statutes; relating to: closing hours
2 for retail sales by wineries.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. Current law allows a winery to hold one retail license, which may be either a "Class A" license or a "Class B" license. 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. A winery operating under a retail "Class B" license may not remain open for retail sales of wine between the hours of 9 p.m. and 8 a.m.

This bill changes the closing hour for wineries operating under a retail "Class B" license from 9 p.m. to midnight, but allows municipalities to establish, by ordinance, more restrictive closing hours for these wineries.

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

3 SECTION 1. 125.68 (4) (c) 3m. of the statutes is amended to read:
4 125.68 (4) (c) 3m. No premises for which a "Class B" license has been issued
5 under s. 125.51 (3) (am) may remain open for the sale of intoxicating liquor between

1 the hours of ~~9 p.m.~~ 12 midnight and 8 a.m. A municipality may, by ordinance, impose
2 more restrictive hours than are provided in this subdivision.

3 (END)

FE Sent For:

<END>

Rose, Stefanie

From: Gibbs, Adam
Sent: Friday, January 31, 2014 9:01 AM
To: LRB.Legal
Subject: Draft Review: LRB -3698/1 Topic: Closing hours for retail sales by wineries

Please Jacket LRB -3698/1 for the SENATE.