



2013 SENATE BILL 250

1 **AN ACT to amend** 125.26 (6), 125.32 (2), 125.51 (10) and 125.68 (2) of the statutes;
2 **relating to:** temporary alcohol beverage retail licenses issued to fair
3 associations.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 125.26 (6) of the statutes is amended to read:
5 125.26 (6) Temporary Class "B" licenses may be issued to bona fide clubs, to
6 county or local fair associations or agricultural societies, to churches, lodges or
7 societies that have been in existence for at least 6 months before the date of
8 application and to posts of veterans organizations authorizing the sale of fermented
9 malt beverages at a particular picnic or similar gathering, at a meeting of the post,
10 or during a fair conducted by the fair association or agricultural society. The amount

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1 of the fee for the license shall be determined by the municipal governing body issuing
2 the license but may not exceed \$10. An official or body authorized by a municipal
3 governing body to issue temporary Class “B” licenses may, upon issuance of any
4 temporary Class “B” license, authorize the licensee to permit underage persons to be
5 on the premises for which the license is issued. A license issued to a county or district
6 fair licenses the entire fairgrounds where the fair is being conducted and all persons
7 engaging in retail sales of fermented malt beverages from leased stands on the
8 fairgrounds. The county or district fair to which the license is issued may lease
9 stands on the fairgrounds to persons who may engage in retail sales of fermented
10 malt beverages from the stands while the fair is being held. A municipal governing
11 body may issue a temporary Class “B” license for premises that are covered by a
12 “Class B” permit issued under s. 125.51 (5) (b) 2. if the applicant meets the
13 requirements of this subsection. If a license is issued under this subsection to a fair
14 association solely for the purpose of conducting on the licensed premises fermented
15 malt beverages judging or tasting events involving servings of fermented malt
16 beverages no greater than one fluid ounce each, s. 125.32 (2) does not apply to these
17 licensed premises.

18 **SECTION 2.** 125.32 (2) of the statutes is amended to read:

19 125.32 (2) OPERATORS LICENSES CLASS “A” OR CLASS “B” PREMISES. Except as
20 provided under sub. (3) (b) and ~~s.~~ ss. 125.07 (3) (a) 10. and 125.26 (6), no premises
21 operated under a Class “A” or Class “B” license or permit may be open for business
22 unless there is upon the premises the licensee or permittee, the agent named in the
23 license or permit if the licensee or permittee is a corporation or limited liability
24 company, or some person who has an operator’s license and who is responsible for the
25 acts of all persons serving any fermented malt beverages to customers. An operator’s

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1 license issued in respect to a vessel under s. 125.27 (2) is valid outside the
2 municipality that issues it. For the purpose of this subsection, any person holding
3 a manager's license under s. 125.18 or any member of the licensee's or permittee's
4 immediate family who has attained the age of 18 shall be considered the holder of an
5 operator's license. No person, including a member of the licensee's or permittee's
6 immediate family, other than the licensee, permittee or agent may serve fermented
7 malt beverages in any place operated under a Class "A" or Class "B" license or permit
8 unless he or she has an operator's license or is at least 18 years of age and is under
9 the immediate supervision of the licensee, permittee, agent or a person holding an
10 operator's license, who is on the premises at the time of the service.

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

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

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1 of wine from the stands while the fair is being held. If a county or district fair leases
2 any stand to a winery holding a permit under s. 125.53, in addition to making retail
3 sales of wine from the leased stand, the winery may provide taste samples anywhere
4 on the fairgrounds of wine manufactured by the winery. If a license is issued under
5 this subsection to a fair association solely for the purpose of conducting on the
6 licensed premises wine judging or tasting events involving servings of wine no
7 greater than one fluid ounce each, s. 125.68 (2) does not apply to these licensed
8 premises. Not more than 2 licenses may be issued under this subsection to any club,
9 county or local fair association, agricultural association, church, lodge, society or
10 veterans post in any 12-month period.

11 **SECTION 4.** 125.68 (2) of the statutes is amended to read:

12 125.68 (2) OPERATORS' LICENSES; "CLASS A," "CLASS B," "CLASS C," AND OTHER
13 PREMISES. Except as provided under s. ~~ss.~~ 125.07 (3) (a) 10. and 125.51 (10), no
14 premises operated under a "Class A" or "Class C" license or under a "Class B" license
15 or permit may be open for business, and no person who holds a manufacturer's or
16 rectifier's permit may allow the sale or provision of taste samples of intoxicating
17 liquor on the manufacturing or rectifying premises as provided in s. 125.52 (1) (b) 2.,
18 unless there is upon the premises either the licensee or permittee, the agent named
19 in the license or permit if the licensee or permittee is a corporation or limited liability
20 company, or some person who has an operator's license and who is responsible for the
21 acts of all persons selling or serving any intoxicating liquor to customers. An
22 operator's license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside
23 the municipality that issues it. For the purpose of this subsection, any person
24 holding a manager's license issued under s. 125.18 or any member of the licensee's
25 or permittee's immediate family who has attained the age of 18 shall be considered

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1 the holder of an operator’s license. No person, including a member of the licensee’s
2 or permittee’s immediate family, other than the licensee, permittee or agent may
3 serve or sell alcohol beverages in any place operated under a “Class A” or “Class C”
4 license or under a “Class B” license or permit unless he or she has an operator’s
5 license or is at least 18 years of age and is under the immediate supervision of the
6 licensee, permittee or agent or a person holding an operator’s license, who is on the
7 premises at the time of the service.

8 **SECTION 5. Initial applicability.**

9 (1) This act first applies to licenses issued on the effective date of this
10 subsection.

11 (END)