

2013 DRAFTING REQUEST

Bill

Received: 4/23/2013 Received By: agary
Wanted: As time permits Same as LRB:
For: Terry Moulton (608) 266-7511 By/Representing: Nathan
May Contact: Drafter: agary
Subject: Beverages Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Operator's license (supervision) requirement for judging and tasting events held at fairs

Instructions:

Wants to create an exception to the licensed bartender requirement for wine and beer judging and tasting events at state fairs and county fairs; pouring 1 oz. or less; wants it narrow; start with p-draft

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 5/8/2013			_____			
/P1	agary 7/8/2013	scalvin 5/8/2013	rschluet 5/8/2013	_____	mbarman 5/8/2013		
/1		csicilia 7/9/2013	phenry 7/9/2013	_____	sbasford 7/9/2013	rosrose 7/9/2013	

FE Sent For:

hse

<END>

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/P1		scalvin 5/8/2013	rschlue 5/8/2013	_____	mbarman 5/8/2013		

FE Sent For: *1 jgs 7/9 13* *7/9 ph* *&*
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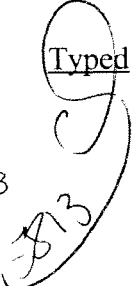
Topic:

Operator's license (supervision) requirement for judging and tasting events held at fairs ✓

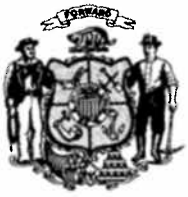
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/?	agary	1/Pl sac 05/08/2013		_____	_____		
FE Sent For:							

<END>



in
5/8



see

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

gen cat

1 AN ACT ...; relating to: temporary alcohol beverage retail licenses issued to fair
2 associations.

Analysis by the Legislative Reference Bureau

Current law authorizes municipalities to issue temporary Class "B" and "Class B" licenses to certain clubs, fair associations, agricultural societies, churches, veterans organizations, lodges, and societies that authorize the retail sale of, respectively, fermented malt beverages (beer) and wine at fairs, meetings, picnics, and similar gatherings hosted by these organizations.

Current law also imposes certain requirements for the supervision of retail licensed premises. Current law does not require a person to hold an operator's license (commonly referred to as a "bartender's license") to provide alcohol beverages on retail licensed premises. However, a retail licensee may not be open for business unless the licensee, the designated agent of a corporate licensee, or a person who possesses an operator's license or manager's license is present and responsible for the acts of all persons providing alcohol beverages on the premises.

This bill creates an exception to this supervision requirement when a municipality issues a temporary Class "B" or "Class B" license to a fair association solely for the purpose of conducting beer or wine judging or tasting events involving servings of beer or wine no greater than one fluid ounce each.

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

1 **SECTION 1.** 125.26^x (6) of the statutes is amended to read:

2 125.26 (6) Temporary Class "B" licenses may be issued to bona fide clubs, to
3 county or local fair associations or agricultural societies, to churches, lodges or
4 societies that have been in existence for at least 6 months before the date of
5 application and to posts of veterans organizations authorizing the sale of fermented
6 malt beverages at a particular picnic or similar gathering, at a meeting of the post,
7 or during a fair conducted by the fair association or agricultural society. The amount
8 of the fee for the license shall be determined by the municipal governing body issuing
9 the license but may not exceed \$10. An official or body authorized by a municipal
10 governing body to issue temporary Class "B" licenses may, upon issuance of any
11 temporary Class "B" license, authorize the licensee to permit underage persons to be
12 on the premises for which the license is issued. A license issued to a county or district
13 fair licenses the entire fairgrounds where the fair is being conducted and all persons
14 engaging in retail sales of fermented malt beverages from leased stands on the
15 fairgrounds. The county or district fair to which the license is issued may lease
16 stands on the fairgrounds to persons who may engage in retail sales of fermented
17 malt beverages from the stands while the fair is being held. A municipal governing
18 body may issue a temporary Class "B" license for premises that are covered by a
19 "Class B" permit issued under s. 125.51 (5) (b) 2. if the applicant meets the
20 requirements of this subsection. If a license is issued under this subsection to a fair
21 association solely for the purpose of conducting on the licensed premises fermented
22 malt beverages judging or tasting events involving servings of fermented malt

1 beverages no greater than one fluid ounce each, s. 125.32 (2) does not apply to these
2 licensed premises.

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; 2007 a. 20; 2009 a. 28; 2011 a. 32; 2011 a. 260 s. 81.

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

4 125.32 (2) OPERATORS LICENSES CLASS “A” OR CLASS “B” PREMISES. Except as
5 provided under sub. (3) (b) and ~~s. ss.~~ ss. 125.07 (3) (a) 10. and 125.26 (6), no premises
6 operated under a Class “A” or Class “B” license or permit may be open for business
7 unless there is upon the premises the licensee or permittee, the agent named in the
8 license or permit if the licensee or permittee is a corporation or limited liability
9 company, or some person who has an operator’s license and who is responsible for the
10 acts of all persons serving any fermented malt beverages to customers. An operator’s
11 license issued in respect to a vessel under s. 125.27 (2) is valid outside the
12 municipality that issues it. For the purpose of this subsection, any person holding
13 a manager’s license under s. 125.18 or any member of the licensee’s or permittee’s
14 immediate family who has attained the age of 18 shall be considered the holder of an
15 operator’s license. No person, including a member of the licensee’s or permittee’s
16 immediate family, other than the licensee, permittee or agent may serve fermented
17 malt beverages in any place operated under a Class “A” or Class “B” license or permit
18 unless he or she has an operator’s license or is at least 18 years of age and is under
19 the immediate supervision of the licensee, permittee, agent or a person holding an
20 operator’s license, who is on the premises at the time of the service.

History: 1981 c. 79; 1983 a. 27, 74, 192, 452; 1985 a. 28, 33, 221, 317; 1987 a. 27, 121; 1989 a. 253; 1991 a. 28, 39, 315; 1993 a. 112; 1995 a. 320; 2007 a. 3, 9, 20; 2009 a. 128; 2011 a. 32, 97.

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

22 125.51 (10) TEMPORARY LICENSES. Notwithstanding s. 125.68 (3), temporary
23 “Class B” licenses may be issued to bona fide clubs, to county or local fair associations

1 or agricultural societies, to churches, lodges or societies that have been in existence
2 for at least 6 months before the date of application and to posts of veterans'
3 organizations authorizing the sale of wine in an original package, container or bottle
4 or by the glass if the wine is dispensed directly from an original package, container
5 or bottle at a particular picnic or similar gathering, at a meeting of the post, or during
6 a fair conducted by the fair association or agricultural society. The amount of the fee
7 for the license shall be \$10, except that no fee may be charged to a person who at the
8 same time applies for a temporary Class "B" license under s. 125.26 (6) for the same
9 event. A license issued to a county or district fair licenses the entire fairgrounds
10 where the fair is being conducted and all persons engaging in retail sales of wine from
11 leased stands on the fairgrounds. The county or district fair to which the license is
12 issued may lease stands on the fairgrounds to persons who may engage in retail sales
13 of wine from the stands while the fair is being held. If a county or district fair leases
14 any stand to a winery holding a permit under s. 125.53, in addition to making retail
15 sales of wine from the leased stand, the winery may provide taste samples anywhere
16 on the fairgrounds of wine manufactured by the winery. If a license is issued under
17 this subsection to a fair association solely for the purpose of conducting on the
18 licensed premises wine judging or tasting events involving servings of wine no
19 greater than one fluid ounce each, s. 125.68 (2) does not apply to these licensed
20 premises. Not more than 2 licenses may be issued under this subsection to any club,
21 county or local fair association, agricultural association, church, lodge, society or
22 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; 2007 a. 20, 69, 85, 192; 2009 a. 28, 73; 2011
a. 129.

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

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

History: 1981 c. 79, 158, 202; 1983 a. 74; 1983 a. 189 s. 329 (6); 1983 a. 203 s. 47; 1983 a. 349; 1985 a. 28, 221, 317; 1987 a. 27, 121, 399; 1989 a. 30, 253; 1991 a. 28,
39; 1993 a. 27, 112; 1995 a. 27 s. 9126 (19); 1997 a. 283; 2001 a. 16, 109; 2005 a. 25, 268; 2007 a. 3; 2007 a. 20 s. 9121 (6) (a); 2007 a. 85; 2009 a. 28, 128, 302; 2011 a. 32,
97.

22 **SECTION 5. Initial applicability.**

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

LRB-2235/P1dn

ARG.:...
see

-date-

ATTN: Nathan Duerkop

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

A state fair conducted on state property is not required to obtain a municipally-issued retail license and ss. 125.32 (2) and 125.68 (2) would not apply. This bill applies to fairs that are not conducted on state property and for which a temporary retail license is available under current law. In drafting this bill, I have assumed that the alcohol at these fairs is being provided under temporary, not permanent, licenses. Please let me know if this assumption is incorrect.

X You requested that the bill be drafted narrowly. The exception in this bill applies only if the fair association holds the retail license. This may be more narrow than you intended. It is possible for a club, rather than a fair association, to obtain a temporary license for an area at the fairgrounds. Do you want this bill to apply if another organization, not the fair association, obtains a temporary license for the fairgrounds?

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-2235/P1dn
ARG:sac:rs

May 8, 2013

ATTN: Nathan Duerkop

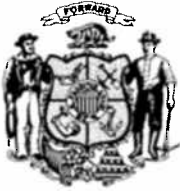
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Legislative Attorney
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E-mail: aaron.gary@legis.state.wi.us



LSO v to J
7/9



in 7/8

7 stays
RMA

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

7/8 Hov/mark: looks good, wants 1/1

SA

No changes

Gen Cat

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

Current law authorizes municipalities to issue temporary Class "B" and "Class B" licenses to certain clubs, fair associations, agricultural societies, churches, veterans organizations, lodges, and societies that authorize the retail sale of, respectively, fermented malt beverages (beer) and wine at fairs, meetings, picnics, and similar gatherings hosted by these organizations.

Current law also imposes certain requirements for the supervision of retail licensed premises. Current law does not require a person to hold an operator's license (commonly referred to as a "bartender's license") to provide alcohol beverages on retail licensed premises. However, a retail licensee may not be open for business unless the licensee, the designated agent of a corporate licensee, or a person who possesses an operator's license or manager's license is present and responsible for the acts of all persons providing alcohol beverages on the premises.

This bill creates an exception to this supervision requirement when a municipality issues a temporary Class "B" or "Class B" license to a fair association

solely for the purpose of conducting beer or wine judging or tasting events involving servings of beer or wine no greater than one fluid ounce each.

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

1 **SECTION 1.** 125.26 (6) of the statutes is amended to read:

2 125.26 (6) Temporary Class "B" licenses may be issued to bona fide clubs, to
3 county or local fair associations or agricultural societies, to churches, lodges or
4 societies that have been in existence for at least 6 months before the date of
5 application and to posts of veterans organizations authorizing the sale of fermented
6 malt beverages at a particular picnic or similar gathering, at a meeting of the post,
7 or during a fair conducted by the fair association or agricultural society. The amount
8 of the fee for the license shall be determined by the municipal governing body issuing
9 the license but may not exceed \$10. An official or body authorized by a municipal
10 governing body to issue temporary Class "B" licenses may, upon issuance of any
11 temporary Class "B" license, authorize the licensee to permit underage persons to be
12 on the premises for which the license is issued. A license issued to a county or district
13 fair licenses the entire fairgrounds where the fair is being conducted and all persons
14 engaging in retail sales of fermented malt beverages from leased stands on the
15 fairgrounds. The county or district fair to which the license is issued may lease
16 stands on the fairgrounds to persons who may engage in retail sales of fermented
17 malt beverages from the stands while the fair is being held. A municipal governing
18 body may issue a temporary Class "B" license for premises that are covered by a
19 "Class B" permit issued under s. 125.51 (5) (b) 2. if the applicant meets the
20 requirements of this subsection. If a license is issued under this subsection to a fair
21 association solely for the purpose of conducting on the licensed premises fermented

1 malt beverages judging or tasting events involving servings of fermented malt
2 beverages no greater than one fluid ounce each, s. 125.32 (2) does not apply to these
3 licensed premises.

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

5 125.32 (2) OPERATORS LICENSES CLASS “A” OR CLASS “B” PREMISES. Except as
6 provided under sub. (3) (b) and s. ~~ss.~~ 125.07 (3) (a) 10. and 125.26 (6), no premises
7 operated under a Class “A” or Class “B” license or permit may be open for business
8 unless there is upon the premises the licensee or permittee, the agent named in the
9 license or permit if the licensee or permittee is a corporation or limited liability
10 company, or some person who has an operator’s license and who is responsible for the
11 acts of all persons serving any fermented malt beverages to customers. An operator’s
12 license issued in respect to a vessel under s. 125.27 (2) is valid outside the
13 municipality that issues it. For the purpose of this subsection, any person holding
14 a manager’s license under s. 125.18 or any member of the licensee’s or permittee’s
15 immediate family who has attained the age of 18 shall be considered the holder of an
16 operator’s license. No person, including a member of the licensee’s or permittee’s
17 immediate family, other than the licensee, permittee or agent may serve fermented
18 malt beverages in any place operated under a Class “A” or Class “B” license or permit
19 unless he or she has an operator’s license or is at least 18 years of age and is under
20 the immediate supervision of the licensee, permittee, agent or a person holding an
21 operator’s license, who is on the premises at the time of the service.

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

23 125.51 (10) TEMPORARY LICENSES. Notwithstanding s. 125.68 (3), temporary
24 “Class B” licenses may be issued to bona fide clubs, to county or local fair associations
25 or agricultural societies, to churches, lodges or societies that have been in existence

1 for at least 6 months before the date of application and to posts of veterans'
2 organizations authorizing the sale of wine in an original package, container or bottle
3 or by the glass if the wine is dispensed directly from an original package, container
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5 a fair conducted by the fair association or agricultural society. The amount of the fee
6 for the license shall be \$10, except that no fee may be charged to a person who at the
7 same time applies for a temporary Class "B" license under s. 125.26 (6) for the same
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10 leased stands on the fairgrounds. The county or district fair to which the license is
11 issued may lease stands on the fairgrounds to persons who may engage in retail sales
12 of wine from the stands while the fair is being held. If a county or district fair leases
13 any stand to a winery holding a permit under s. 125.53, in addition to making retail
14 sales of wine from the leased stand, the winery may provide taste samples anywhere
15 on the fairgrounds of wine manufactured by the winery. If a license is issued under
16 this subsection to a fair association solely for the purpose of conducting on the
17 licensed premises wine judging or tasting events involving servings of wine no
18 greater than one fluid ounce each, s. 125.68 (2) does not apply to these licensed
19 premises. Not more than 2 licenses may be issued under this subsection to any club,
20 county or local fair association, agricultural association, church, lodge, society or
21 veterans post in any 12-month period.

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

23 125.68 (2) OPERATORS' LICENSES; "CLASS A," "CLASS B," "CLASS C," AND OTHER
24 PREMISES. Except as provided under s. ss. 125.07 (3) (a) 10. and 125.51 (10), no
25 premises operated under a "Class A" or "Class C" license or under a "Class B" license

1 or permit may be open for business, and no person who holds a manufacturer's or
2 rectifier's permit may allow the sale or provision of taste samples of intoxicating
3 liquor on the manufacturing or rectifying premises as provided in s. 125.52 (1) (b) 2.,
4 unless there is upon the premises either the licensee or permittee, the agent named
5 in the license or permit if the licensee or permittee is a corporation or limited liability
6 company, or some person who has an operator's license and who is responsible for the
7 acts of all persons selling or serving any intoxicating liquor to customers. An
8 operator's license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside
9 the municipality that issues it. For the purpose of this subsection, any person
10 holding a manager's license issued under s. 125.18 or any member of the licensee's
11 or permittee's immediate family who has attained the age of 18 shall be considered
12 the holder of an operator's license. No person, including a member of the licensee's
13 or permittee's immediate family, other than the licensee, permittee or agent may
14 serve or sell alcohol beverages in any place operated under a "Class A" or "Class C"
15 license or under a "Class B" license or permit unless he or she has an operator's
16 license or is at least 18 years of age and is under the immediate supervision of the
17 licensee, permittee or agent or a person holding an operator's license, who is on the
18 premises at the time of the service.

19 **SECTION 5. Initial applicability.**

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

22 (END)

Rose, Stefanie

From: Morgan, Mark
Sent: Tuesday, July 09, 2013 10:49 AM
To: LRB.Legal
Subject: Draft Review: LRB -2235/1 Topic: Operator's license (supervision) requirement for judging and tasting events held at fairs

Please Jacket LRB -2235/1 for the SENATE.