



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Senate Bill 236

Senate Amendment 1

Memo published: September 15, 2015

Contact: Zach Ramirez, Staff Attorney (267-9485)

CURRENT LAW

It is illegal to sell alcohol beverages at retail without the appropriate type of license. The type of license determines whether a licensee may sell alcohol beverages for consumption on the premises where it is sold (such as at a bar) or off-premises (such as at a grocery store), as well as whether a licensee may sell beer or intoxicating liquor, such as wine and distilled spirits. To sell alcohol beverages for on-premises consumption, a licensee must have a Class "B" license to sell beer, and a "Class B" license to sell intoxicating liquor.

A license authorizes the retail sale of alcohol at one particular premises that is identified in the license. A licensee must generally have a person with an operator's license, commonly referred to as a "bartender's license," on the premises and serving or supervising the serving of alcohol.

A municipality may issue a temporary license to a club, fair association, agricultural society, church, veterans organization, or lodge for an event hosted by the organization. The restrictions that apply to the holder of a license generally apply equally to the holder of a temporary license.

2015 SENATE BILL 236

The bill makes several changes to current law regarding the issuance of temporary licenses for the retail sale of alcohol beverages for on-premises consumption. Among the changes, the bill adds chambers of commerce to the list of organizations to which a municipality may issue a temporary license.

Under current law, a municipality may issue any number of temporary Class "B" (beer) licenses, but may not issue more than two temporary "Class B" (intoxicating liquor) licenses in

any 12-month period. Because each license only authorizes the sale of alcohol beverages at one particular location, this limitation on the number of licenses prohibits an organization that receives a temporary license from hosting an event at which alcohol beverages are sold at multiple different premises. The bill authorizes a municipality to issue up to 20 temporary "Class B" (intoxicating liquor) licenses to one licensee for a single event that lasts no longer than one day, if the event meets certain criteria, including that an admission fee is charged for participation in the event and no additional fee is charged for alcohol at the event.

Current law requires the Department of Revenue (DOR) to prepare and distribute to municipalities a booklet explaining state requirements relating to the retail sale of alcohol beverages. The bill contains nonstatutory provisions that require DOR to take certain actions with respect to the booklet. Specifically, DOR must update the booklet to reflect changes related to temporary alcohol beverage licenses contained in the bill, must make the booklet available on DOR's Internet site, and must distribute printed copies of the updated version of the booklet once all printed copies of the prior version of the booklet have been distributed.

SENATE AMENDMENT 1

The amendment changes the nonstatutory provisions of the bill. Specifically, the amendment removes the bill's requirement that DOR make the booklet available on its Internet site and distribute printed copies of the updated version of the booklet once all printed copies of the prior version have been distributed. The amendment also specifies that the remaining nonstatutory provision in the bill (that DOR update the booklet) become effective on the first day of the second month beginning after publication.

The amendment also contains provisions that change certain requirements in current law that are unaffected by the bill. Specifically, the amendment changes current law provisions regarding underage persons, temporary operator's licenses, and hours of operation, as described in detail below.

Underage Persons on Licensee Premises

Under current law, an underage person is prohibited from being on any premises for which a license for the retail sale of alcohol beverages has been issued, unless he or she is accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age. However, current law authorizes a municipality issuing a temporary Class "B" (beer) license to authorize a licensee to permit underage persons to be on the premises for which a license is issued.

The amendment authorizes a municipality issuing a temporary "Class B" (intoxicating liquor) license to authorize a licensee to permit unaccompanied underage persons to be on the licensee's premises if the underage person is acting as a designated driver and has been provided a means of identification, such as a wristband, by the licensee. The amendment does not change the authorizations provided in current law for a municipality issuing a temporary Class "B" (beer) license.

Temporary Operator's License

Under current law, a municipality may issue a person who is employed by or donating services to a nonprofit corporation a temporary operator's license that provides the privileges of an ordinary operator's license for up to 14 days. A person may not hold more than one temporary operator's license per year. The amendment increases the number of temporary operator's licenses that a person may receive to two per year.

Hours of Operation

Under current law, a premises operating with a temporary "Class B" (intoxicating liquor) license is prohibited from remaining open between 2:00 a.m. and 6:00 a.m. The amendment further prohibits a temporary "Class B" (intoxicating) licensee from serving wine after 9:00 p.m.

BILL HISTORY

Senator Marklein offered Senate Amendment 1 to Senate Bill 236 on September 4, 2015. On September 8, 2015, the Senate Committee on Revenue, Financial Institutions, and Rural Issues voted to recommend adoption of the amendment on a vote of Ayes, 5; Noes, 0. On the same day, the committee voted to recommend passage of the bill, as amended, on a vote of Ayes, 5; Noes, 0.

ZR:jal