

2019 DRAFTING REQUEST**Bill**

For: **Rob Swearingen (608) 266-7141** Drafter: **agary**
 By: **Joe** Secondary Drafters:
 Date: **1/24/2020** May Contact:

Same as LRB:

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

Pre Topic:

No specific pre topic given

Topic:

Private event venue permits; renting, leasing property for private events where alcohol is consumed; retail permits for motor vehicle racetrack grounds, state fair park; caterers on racetrack grounds, closing hours during 2020 DNC; brewer closing hours

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 1/24/2020	anienaja 1/27/2020			
/P1	agary 1/27/2020	aernstr 1/27/2020	dwalker 1/27/2020		Crime State S&L
/P2	agary 2/4/2020	aernstr 2/5/2020	jmurphy 1/27/2020		Crime State S&L
/P3	agary	kfollett	mbarman		Crime

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/5/2020	2/5/2020	2/5/2020		State S&L
/1	agary 2/7/2020	swinder 2/7/2020	mbarman 2/5/2020	mbarman 2/5/2020	Crime State S&L
/2			lparisi 2/7/2020	lparisi 2/7/2020	Crime State S&L

FE Sent For:

<END>

At
Intro.

Gary, Aaron

From: Mesec, Joe
Sent: Friday, January 24, 2020 4:27 PM
To: Gary, Aaron
Subject: New Draft
Attachments: 19-4808_1.pdf; 19-1589_1.pdf; 19-5422_P2.pdf

Hi Aaron,

Thank you very much for doing this! I have attached the separate bills above that we want in a single package.

Rep. Swearingen and Speaker Vos are requesting a new draft to include the following:

- 1.) DNC Hours - 4808
- 2.) Wedding Barns - 4808
- 3.) Road America - 1589/RR 434
- 4.) State Fair Park - 5422

Thanks much,

Joe Mesec
Office of Representative Rob Swearingen
34th Assembly District
(608) 237-9134 (Office)
(608) 237-9442 (Direct)

Gary, Aaron

From: Mesec, Joe
Sent: Friday, January 24, 2020 5:33 PM
To: Gary, Aaron
Subject: Re: New Draft

Aaron,

Apologize for the late response. Please make it a /p1.

Again, thank you!

-joe

Sent from my iPhone

On Jan 24, 2020, at 4:49 PM, Gary, Aaron <Aaron.Gary@legis.wisconsin.gov> wrote:

FYI, I can see that I will need to do some "merging" to make the drafts fit together, so if you want a /1 for introduction, you might want to review the /p1 first to make sure my merging meets your intent.
Aaron

From: Gary, Aaron
Sent: Friday, January 24, 2020 4:35 PM
To: Mesec, Joe <Joe.Mesec@legis.wisconsin.gov>
Subject: RE: New Draft

Joe,
The new LRB number is LRB-5495. You'll have it on Monday. Do you want it as a /1 or a /P1?
Aaron

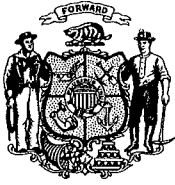
From: Mesec, Joe <Joe.Mesec@legis.wisconsin.gov>
Sent: Friday, January 24, 2020 4:27 PM
To: Gary, Aaron <Aaron.Gary@legis.wisconsin.gov>
Subject: New Draft

Hi Aaron,

Thank you very much for doing this! I have attached the separate bills above that we want in a single package.

Rep. Swearingen and Speaker Vos are requesting a new draft to include the following:

- 1.) DNC Hours



State of Wisconsin
2019 - 2020 LEGISLATURE

Needed Today Mon, 1/27

-5495/P1
LRB-1589/1
ARG:amn

2019 ASSEMBLY BILL 434

September 12, 2019 - Introduced by Representatives VORPAGEL and KATSMA, cosponsored by Senator LEMAHIEU. Referred to Committee on State Affairs.

and for the state fair park

1 **AN ACT to renumber and amend** 125.12 (5); **to amend** 125.32 (3) (c) and 125.68
 2 (4) (c) 4.; and **to create** 125.07 (3) (a) 17., 125.12 (5) (b), 125.26 (2v), 125.27 (5),
 3 125.32 (3) (e), 125.32 (3m) (k), 125.51 (3) (bv), 125.51 (5) (f) and 125.68 (4) (d)
 4 of the statutes; **relating to:** the issuance by the Department of Revenue of
 5 retail alcohol beverage permits for motor vehicle racetrack grounds,
 6 authorizing caterers to make retail sales of alcohol beverages on racetrack
 7 grounds, and hours for retail sales by brewers. *and providing a penalty*

Insert 1-4

Insert 1-7

Insert ANAL-A also DOR
Analysis by the Legislative Reference Bureau

This bill authorizes the Department of Revenue to issue retail alcohol beverage permits for motor vehicle racetrack grounds. This bill also authorizes caterers to make retail sales of alcohol beverages on racetrack grounds. The bill further establishes hours during which brewers may not make retail sales of alcohol beverages.

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. Municipalities may issue retail Class "B" licenses authorizing the sale of fermented malt beverages (beer), and retail "Class B" licenses authorizing the sale of intoxicating liquor, which includes wine and distilled spirits, to consumers. Under certain circumstances, DOR may issue retail Class "B" and "Class B" permits authorizing the retail sale of beer and intoxicating liquor to consumers.

Insert ANAL-B (DOR)

Insert ANAL-C

ASSEMBLY BILL 434

* This bill ^{also} authorizes DOR to issue retail Class "B" and "Class B" permits for racetrack grounds. The bill defines "racetrack grounds" as property consisting of at least 300 acres containing a motor vehicle racetrack at least four miles in length capable of hosting professional racing events, and includes any building or other structure on this property associated with the racetrack or with services provided in connection with events held at the racetrack. Under the bill, DOR may issue Class "B" and "Class B" permits, for locations within racetrack grounds, to the owner or operator of the racetrack grounds or to any person designated by the owner or operator of the racetrack grounds to operate premises located within the racetrack grounds. Class "B" and "Class B" permits issued by DOR for racetrack grounds authorize the retail sale of beer and intoxicating liquor at the location within the racetrack grounds specified in the permit, for possession and consumption anywhere within the racetrack grounds. Class "B" and "Class B" permits do not authorize the sale of beer and intoxicating liquor for consumption away from the racetrack grounds and do not authorize the sale of beer and intoxicating liquor at any designated camping area on racetrack grounds while the area is in use for camping. The bill contains an exception allowing underage persons to be present on those locations at racetrack grounds for which Class "B" or "Class B" permits are issued.

Insert ANRL-D → Current law generally requires a retail licensee to make retail sales of alcohol beverages only in a face-to-face transaction on the retail licensed premises, although the retail licensee may thereafter deliver and serve the alcohol beverages at another location. An exception allows a caterer to make retail sales off its licensed premises during a special event held at the National Railroad Museum in Green Bay or at the Heritage Hill State Park, if no retail license has been issued for this museum or park. A "caterer" is defined as a person who holds a restaurant license and who is in the business of preparing food and transporting it for consumption at gatherings, meetings, or events if the sale of food at each gathering, meeting, or event accounts for greater than 50 percent of the gross receipts of all of the food and beverages served at the gathering, meeting, or event.

This bill allows a caterer to make retail sales of alcohol beverages off its licensed premises on racetrack grounds, except at a designated camping area while the area is in use for camping and except on premises for which DOR has issued a retail permit for the racetrack grounds.

Insert ANRL-E
Insert ANRL-F → Current law allows a brewer holding a brewer's permit to sell at retail, without a retail license, beer for consumption on or off the brewery premises or the brewer's off-site retail outlet. If the brewer held an intoxicating liquor license on June 1, 2011, the brewer may also sell at retail, without a retail license, intoxicating liquor for consumption on the brewery premises or the brewer's off-site retail outlet. Current law does not specify permissible hours of sale for these retail sales by a brewer.

Also under current law, with limited exceptions, Class "B" or "Class B" licensed premises must be closed between the hours of 2 a.m. and 6 a.m. on weekdays and between the hours of 2:30 a.m. and 6 a.m. on weekends. A municipal ordinance may not impose different closing hours. However, a Class "B" licensed premises may not sell beer for off-premises consumption between the hours of midnight and 6 a.m. and a municipality may impose more restrictive hours.

ASSEMBLY BILL 434

This bill prohibits a brewer from making retail sales of beer and intoxicating liquor during hours in which a Class “B” or “Class B” licensed premises must be closed. As with a Class “B” or “Class B” licensee, a municipality may not impose more restrictive hours for retail sales for on-premises consumption but may impose more restrictive hours for retail sales for off-premises consumption.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 125.07 (3) (a) 17. of the statutes is created to read:

2 125.07 (3) (a) 17. Premises for which a Class “B” permit is issued under s.
3 125.27 (5) or a “Class B” permit is issued under s. 125.51 (5) (f).

4 **SECTION 2.** 125.12 (5) of the statutes is renumbered 125.12 (5) (a) and amended
5 to read:

6 125.12 (5) (a) The department may, after notice and an opportunity for hearing,
7 revoke, suspend, or refuse to renew any retail permit issued by it for the causes
8 provided in sub. (4) and any other permit issued by it under this chapter for any
9 violation of this chapter or ch. 139, except that, for ~~a violation of sub. (4) (ag) 6. with~~
10 ~~respect to a license issued under s. 125.51 (4) (v) or a violation of s. 125.535 or~~
11 139.035, the department shall revoke the license or permit.

12 (c) A revocation, suspension, or refusal to renew a permit under par. (a) or (b)
13 is a contested case under ch. 227.

14 **SECTION 3.** 125.12 (5) (b) of the statutes is created to read:

15 125.12 (5) (b) The department may, after notice and an opportunity for hearing,
16 revoke any permit issued under s. 125.27 (5) or 125.51 (5) (f) to a person designated
17 by the owner or operator of racetrack grounds as provided in s. 125.27 (5) (b) or 125.51

ASSEMBLY BILL 434

SECTION 3

Insert
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1 (5) (f) 2. if the person's designation has terminated or the owner or operator of the
2 racetrack grounds has otherwise rescinded the person's designation.

3 **SECTION 4.** 125.26 (2v) of the statutes is created to read:

4 125.26 (2v) (a) Subject to pars. (b) and (c), and notwithstanding ss. 125.04 (3)
5 (a) 3. and (9), 125.09 (1), and 125.32 (6) (a), in addition to the authorization specified
6 in sub. (1), a Class "B" license issued under this section to a caterer also authorizes
7 the caterer to provide fermented malt beverages, including their retail sale, on
8 racetrack grounds, as defined in s. 125.27 (5) (a). Subject to pars. (b) and (c), and
9 notwithstanding sub. (1) and s. 125.32 (6) (a), a caterer may provide fermented malt
10 beverages under this paragraph at any location on racetrack grounds even though
11 the racetrack grounds are not part of the caterer's licensed premises, as described
12 under sub. (3) in the caterer's Class "B" license, and even if the racetracks grounds
13 are not located within the municipality that issued the caterer's Class "B" license.
14 A caterer that provides fermented malt beverages under this paragraph is subject
15 to s. 125.32 (2) and (3) as if the fermented malt beverages were provided on the
16 caterer's Class "B" licensed premises.

17 (b) A caterer may not provide fermented malt beverages under par. (a) at any
18 designated camping area on racetrack grounds while the area is in use for camping.

19 (c) A caterer may not provide fermented malt beverages under par. (a) on any
20 premises covered by a permit issued under s. 125.27 (5) or 125.51 (5) (f).

21 **SECTION 5.** 125.27 (5) of the statutes is created to read:

22 125.27 (5) PERMITS FOR RACETRACK GROUNDS. (a) In this subsection, "racetrack
23 grounds" means real property consisting of at least 300 acres containing a motor
24 vehicle racetrack at least 4 miles in length capable of hosting professional racing
25 events, and includes any building or other structure on this property associated with

Insert
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ASSEMBLY BILL 434**SECTION 5**

1 the racetrack or with services provided in connection with events held at the
2 racetrack.

3 (b) The department may issue Class "B" permits for locations within racetrack
4 grounds to any person that holds a valid certificate issued under s. 73.03 (50), that
5 is qualified under s. 125.04 (5) and (6), and that is the owner or operator of the
6 racetrack grounds or is designated by the owner or operator of the racetrack grounds
7 to operate premises located within the racetrack grounds. Subject to par. (e), the
8 permit authorizes the retail sale of fermented malt beverages on the premises
9 covered by the permit, for consumption anywhere within the racetrack grounds. If
10 the department issues more than one permit under this subsection for the same
11 racetrack grounds, no part of the premises covered by a permit under this subsection
12 may overlap with premises covered by any other permit issued under this subsection.

13 (c) Persons holding a permit under par. (b) may sell beverages containing less
14 than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

15 (d) Subject to ss. 125.07 (3) (a) 17. and 125.32 (3) (c) and (3m) (k), all provisions
16 of this chapter applying to Class "B" licenses apply to Class "B" permits issued under
17 this subsection, except as follows:

18 1. A permit issued under this subsection does not authorize retail sales of
19 fermented malt beverages for consumption off the racetrack grounds.

20 2. A permit issued under this subsection authorizes the retail sale of fermented
21 malt beverages for possession and consumption off the premises where sold if the
22 possession and consumption occurs within the racetrack grounds.

23 (e) A permit issued under this subsection does not authorize retail sales of
24 fermented malt beverages at any designated camping area on racetrack grounds
25 while the area is in use for camping.

ASSEMBLY BILL 434**SECTION 5**

1 (f) The department shall establish a fee for a permit issued under this
2 subsection in the amount of 50 percent of the fee for a permit issued under sub. (1).

3 **SECTION 6.** 125.32 (3) (c) of the statutes is amended to read:

4 125.32 (3) (c) Hotels and restaurants the principal business of which is the
5 furnishing of food and lodging to patrons, bowling centers, movie theaters, painting
6 studios, indoor golf and baseball facilities, racetrack grounds, as defined in s. 125.27

7 (5) (a), indoor horseshoe-pitching facilities, curling clubs, golf courses and golf
8 clubhouses may remain open for the conduct of their regular business but may not
9 sell fermented malt beverages during the hours specified in par. (a).

10 **SECTION 7.** 125.32 (3) (e) of the statutes is created to read:

11 125.32 (3) (e) 1. A brewer holding a permit under s. 125.29 may not sell
12 fermented malt beverages at retail under s. 125.29 (3) (e), or under s. 125.29 (3) (g)
13 for consumption on the premises, or provide taste samples under s. 125.29 (3) (i),
14 during the hours in which a Class "B" licensed premises is required under par. (a) to
15 be closed. Brewery premises may remain open for the conduct of other brewery
16 operations during these hours, but a brewer's off-site retail outlet may not remain
17 open during these hours.

18 2. A brewer holding a permit under s. 125.29 may not sell fermented malt
19 beverages at retail under s. 125.29 (3) (f), or under s. 125.29 (3) (g) for consumption
20 off the premises, between 12 midnight and 6 a.m.

21 3. A municipality may, by ordinance, impose more restrictive hours than those
22 provided in subd. 2., but may not impose different hours than those provided in subd.

23 1.

24 **SECTION 8.** 125.32 (3m) (k) of the statutes is created to read:

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ASSEMBLY BILL 434

1 125.32 (3m) (k) Premises for which a Class "B" permit is issued under s. 125.27
2 (5).

3 **SECTION 9.** 125.51 (3) (bv) of the statutes is created to read:

4 125.51 (3) (bv) 1. Subject to subds. 2. and 3., and notwithstanding ss. 125.04
5 (3) (a) 3. and (9), 125.09 (1), and 125.32 (6) (a), in addition to the authorization
6 specified in par. (a) or (b) and in sub. (1) (a), a "Class B" license issued under sub. (1)
7 to a caterer also authorizes the caterer to provide intoxicating liquor, including its
8 retail sale, on racetrack grounds, as defined in s. 125.27 (5) (a). Subject to subds. 2.
9 and 3., and notwithstanding pars. (a) and (b) and sub. (1) (a) and s. 125.32 (6) (a), a
10 caterer may provide intoxicating liquor under this subdivision at any location on
11 racetrack grounds even though the racetrack grounds are not part of the caterer's
12 licensed premises, as described under par. (d) in the caterer's "Class B" license, and
13 even if the racetrack grounds are not located within the municipality that issued the
14 caterer's "Class B" license. A caterer that provides intoxicating liquor under this
15 subdivision is subject to s. 125.68 (2) and (4) as if the intoxicating liquor were
16 provided on the caterer's "Class B" licensed premises.

17 2. A caterer may not provide intoxicating liquor under subd. 1. at any
18 designated camping area on racetrack grounds while the area is in use for camping.

19 3. A caterer may not provide intoxicating liquor under subd. 1. on any premises
20 covered by a permit issued under s. 125.27 (5) or 125.51 (5) (f).

21 **SECTION 10.** 125.51 (5) (f) of the statutes is created to read:

22 125.51 (5) (f) *Permits for racetrack grounds.* 1. In this paragraph, "racetrack
23 grounds" has the meaning given in s. 125.27 (5) (a).

24 2. The department may issue "Class B" permits for locations within racetrack
25 grounds to any person that holds a valid certificate issued under s. 73.03 (50), that

insert
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→

ASSEMBLY BILL 434**SECTION 10**

1 is qualified under s. 125.04 (5) and (6), and that is the owner or operator of the
2 racetrack grounds or is designated by the owner or operator of the racetrack grounds
3 to operate premises located within the racetrack grounds. Subject to subd. 4., the
4 permit authorizes the retail sale of intoxicating liquor, by the glass and not in the
5 original package or container, on the premises covered by the permit, for
6 consumption anywhere within the racetrack grounds. If the department issues more
7 than one permit under this paragraph for the same racetrack grounds, no part of the
8 premises covered by a permit under this paragraph may overlap with premises
9 covered by any other permit issued under this paragraph.

10 3. Subject to ss. 125.07 (3) (a) 17. and 125.68 (4) (c) 4., all provisions of this
11 chapter applying to "Class B" licenses apply to "Class B" permits issued under this
12 paragraph, except as follows:

13 a. A permit issued under this paragraph does not authorize retail sales of
14 intoxicating liquor for consumption off the racetrack grounds.

15 b. A permit issued under this paragraph authorizes the retail sale of
16 intoxicating liquor for possession and consumption off the premises where sold if the
17 possession and consumption occurs within the racetrack grounds.

18 4. A permit issued under this paragraph does not authorize retail sales of
19 intoxicating liquor at any designated camping area on racetrack grounds while the
20 area is in use for camping.

21 5. The department shall establish a fee for a permit issued under this
22 paragraph in the amount of 50 percent of the fee for a permit issued under par. (a).

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

24 125.68 (4) (c) 4. Hotels and restaurants the principal business of which is the
25 furnishing of food, drinks or lodging to patrons, bowling centers, movie theaters,

ASSEMBLY BILL 434

1 painting studios, racetrack grounds, as defined in s. 125.27 (5) (a), indoor
2 horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may
3 remain open for the conduct of their regular business but may not sell intoxicating
4 liquor during the closing hours under subd. 1. or, with respect to the sale of
5 intoxicating liquor authorized under s. 125.51 (3r) (a), under subd. 3.

6 **SECTION 12.** 125.68 (4) (d) of the statutes is created to read:

7 125.68 (4) (d) *Brewers.* 1. A brewer holding a permit under s. 125.29 may not
8 sell intoxicating liquor at retail under s. 125.29 (3) (h) during the hours in which a
9 "Class B" licensed premises is required under par. (c) 1. to be closed. Brewery
10 premises may remain open for the conduct of other brewery operations during these
11 hours, but a brewer's off-site retail outlet may not remain open during these hours.

12 2. A municipality may not, by ordinance, impose different hours than those
13 provided under subd. 1.

14 **SECTION 13. Effective date.**

15 (1) This act takes effect on the first day of the 3rd month beginning after
16 publication, *except as follows:*

17 (END)

*insert
9-13*

*change
component*

*insert
9-16*



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5422/P2

ARG:cjs

Inserts

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to amend* 125.27 (4), 125.51 (5) (b) (title) and 125.51 (5) (e); and *to create*
2 125.27 (5), 125.51 (5) (b) 1. f. and 125.51 (5) (b) 2m. of the statutes; **relating to:**
3 the issuance by the Department of Revenue of retail permits authorizing the
4 sale of alcohol beverages at the state fair park.

Analysis by the Legislative Reference Bureau

This bill allows the Department of Revenue to issue to vendors retail alcohol beverage permits for the state fair park.

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. Municipalities may issue retail Class "B" licenses authorizing the sale of fermented malt beverages (beer), and retail "Class B" licenses authorizing the sale of intoxicating liquor, which includes wine and distilled spirits, to consumers. Under certain circumstances, DOR may issue retail Class "B" and "Class B" permits authorizing the retail sale of beer and intoxicating liquor to consumers.

This bill allows DOR to issue Class "B" and "Class B" permits to vendors authorizing the retail sale of beer and intoxicating liquor at the state fair park if the State Fair Park Board has, by resolution, annually applied to DOR for the permit. Under the bill, a "vendor" is a person that has entered into a vendor agreement with the State Fair Park Board authorizing the person to sell alcohol beverages at the state fair park.

insert ANAL-D

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 125.27 (4) of the statutes is amended to read:

2 125.27 (4) ADDITIONAL SALES AUTHORITY FOR PERMITTEES. Notwithstanding subs.
3 (1) (d), (2) (d), and (3) (d) and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition
4 to the authorization specified in sub. (1), (2), or (3), a Class "B" permit issued under
5 this section also authorizes the permittee to provide fermented malt beverages,
6 including their retail sale, at specific locations within the Ozaukee County
7 fairgrounds for consumption at these locations during special events held at the
8 fairgrounds, if the Ozaukee County board adopts a resolution approving the
9 permittee and if the premises covered by the Class "B" permit are located in Ozaukee
10 County. Notwithstanding subs. (1), (2), and (3), a permittee may provide fermented
11 malt beverages under this subsection at the Ozaukee County fairgrounds even
12 though the Ozaukee County fairgrounds are not part of the premises described in the
13 permit. A permittee that provides fermented malt beverages under this subsection
14 is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the
15 premises covered by the Class "B" permit. Notwithstanding s. 125.34 (4) and (5), a
16 wholesaler may deliver fermented malt beverages to the Ozaukee County
17 fairgrounds to a permittee approved by the Ozaukee County board under this
18 subsection and such an approved permittee may transport fermented malt
19 beverages from the premises covered by the permit to the Ozaukee County
20 fairgrounds for purposes of selling the fermented malt beverages at the Ozaukee
21 County fairgrounds. This subsection does not authorize Ozaukee County or any

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1 person operating or managing the Ozaukee County fairgrounds to sell fermented
 2 malt beverages at retail or to procure or stock fermented malt beverages for purposes
 3 of retail sale. This subsection does not apply to a permit issued under sub. (5).

Insert
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4 SECTION 2. 125.27 (5) of the statutes is created to read:

5 125.27 (5) PERMITS FOR STATE FAIR PARK. (a) In this subsection, "vendor" means
 6 a person that has entered into a vendor agreement with the state fair park board
 7 authorizing the person to sell fermented malt beverages at the state fair park.

8 (b) The department may issue a Class "B" permit to a vendor that holds a valid
 9 certificate issued under s. 73.03 (50) and that conducts business at the state fair park
 10 if the state fair park board has, by resolution, annually applied to the department
 11 for the permit. The permit authorizes the retail sale of fermented malt beverages at
 12 the state fair park to be consumed on the premises where sold.

13 (c) Except as otherwise provided in this subsection, all sections of this chapter
 14 relating to Class "B" licenses apply to Class "B" permits issued under this subsection.

15 SECTION 3. 125.51 (5) (b) (title) of the statutes is amended to read:

16 125.51 (5) (b) (title) *Public facilities and, airports, and state fair park.*

17 SECTION 4. 125.51 (5) (b) 1. f. of the statutes is created to read:

18 125.51 (5) (b) 1. f. "Vendor" means a person that has entered into a vendor
 19 agreement with the state fair park board authorizing the person to sell intoxicating
 20 liquor at the state fair park.

21 SECTION 5. 125.51 (5) (b) 2m. of the statutes is created to read:

22 125.51 (5) (b) 2m. The department may issue a "Class B" permit to a vendor that
 23 holds a valid certificate issued under s. 73.03 (50) and that conducts business at the
 24 state fair park if the state fair park board has, by resolution, annually applied to the

insert
7-20

1 department for the permit. The permit authorizes the retail sale of intoxicating
2 liquor at the state fair park to be consumed on the premises where sold.

3 **SECTION 6.** 125.51 (5) (e) of the statutes is amended to read:

4 125.51 (5) (e) *Additional sales authority for permittees.* Notwithstanding pars.

5 (a) 2., (b) 3., (c) 3., and (d) 3. and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition

6 to the authorization specified in par. (a), (b), (c), or (d), a "Class B" permit issued

7 under this subsection also authorizes the permittee to provide intoxicating liquor,

8 including its retail sale, at specific locations within the Ozaukee County fairgrounds

9 for consumption at these locations during special events held at the fairgrounds, if

10 the Ozaukee County board adopts a resolution approving the permittee and if the

11 premises covered by the "Class B" permit are located in Ozaukee County.

12 Notwithstanding pars. (a), (b), (c), and (d), a permittee may provide intoxicating

13 liquor under this paragraph at the Ozaukee County fairgrounds even though the

14 Ozaukee County fairgrounds are not part of the premises described in the permit.

15 A permittee that provides intoxicating liquor under this paragraph is subject to s.

16 125.68 (2) as if the intoxicating liquor were provided on the premises covered by the

17 "Class B" permit. This paragraph does not authorize Ozaukee County or any person

18 operating or managing the Ozaukee County fairgrounds to sell intoxicating liquor

19 at retail or to procure or stock intoxicating liquor for purposes of retail sale. This

20 paragraph does not apply to a permit issued under par. (b) 2m.

Handwritten note: insert 7-20 cm 7/18/20

21

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4808/1
ARG:kjf&cdc

Inserts
2019 BILL

insert 1-4

1 AN ACT *to create* 125.20 of the statutes; relating to: creating a private event
2 venue permit issued by the Department of Revenue; closing hours for certain
3 alcohol beverage retailers; and providing a penalty.

Insert 1-2

Analysis by the Legislative Reference Bureau

This bill creates a private event venue permit issued by the Department of Revenue and generally prohibits the rental or lease of property for private events at which fermented malt beverages (beer) or wine is consumed without this permit.

This bill also creates an exception allowing southeast Wisconsin municipalities to authorize extended closing hours for certain alcohol beverage retailers during the time that the 2020 Democratic National Convention is held in Milwaukee.

Private event venue permits

Under this bill, DOR may issue to property owners private event venue permits that authorize the permittee to rent or lease property for use as a venue for a private event at which beer or wine is consumed. A permit does not authorize the sale of any alcohol beverages, but the host of the event may possess and consume, and allow the possession and consumption by others, on the premises, of beer and wine purchased from a retailer rather than a wholesaler. Upon the conclusion of the event, the host may remove from the premises any remaining beer and wine that is in an unopened, original container. The premises covered by the permit may not remain open after midnight. Requirements applicable to Class "B" and "Class B" retail licensees and licensed premises otherwise apply to private event venue permittees and premises covered by these permits, including the requirements that operations on the

insert ANAL-A

insert ANAL-B

BILL

premises are supervised by a licensed bartender and that unaccompanied underage persons not be allowed on the premises. An applicant for a private event venue permit must provide proof of liability insurance and a permit may not be issued for property covered by a retail alcohol beverages license.

With exceptions, the bill prohibits 1) a person from renting or leasing property to another for use as a venue for a private event at which beer or wine is consumed unless the person holds a private event venue permit and consumption of the beer or wine occurs on the premises covered by this permit; and 2) a person from renting or leasing property to another for use as a venue for a private event at which distilled spirits are consumed. The bill provides exceptions to these prohibitions for certain types of property, including property covered by a retail alcohol beverages license; hotel rooms and vacation rental property; property used primarily for parking; certain property used in connection with professional football or baseball games; and property used by a nonprofit organization.

Closing hours for certain retailers

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. A Class "B" license authorizes the retail sale of beer for consumption on or off the premises. A "Class B" license authorizes the retail sale of intoxicating liquor, which includes wine and distilled spirits, for consumption on the licensed premises and, subject to restrictions, the retail sale of intoxicating liquor in original packages for consumption off the licensed premises. A "Class C" license, which may be issued only for a restaurant, authorizes the retail sale of wine for consumption on the premises. A retailer operating under a Class "B," "Class B," or "Class C" license may not remain open between the hours of 2 a.m. and 6 a.m. on weekdays or between 2:30 a.m. and 6 a.m. on Saturday and Sunday, and a municipality may not impose different closing hours by ordinance. However, there is no closing hour on January 1 for Class "B" and "Class B" licensed retailers. The hours during which a Class "B" or "Class B" licensed retailer may make sales for off-premises consumption are more limited, with these sales prohibited from midnight to 6 a.m., although a municipality may, by ordinance, impose more restrictive hours for these sales.

This bill creates a closing hour exception that may be available for Class "B," "Class B," and "Class C" licensees operating as restaurants or taverns in a municipality any part of which is located within Kenosha, Racine, Walworth, Rock, Milwaukee, Waukesha, Jefferson, Dane, Ozaukee, Washington, Dodge, Columbia, Sheboygan, or Fond du Lac County. Under the bill, from July 13 to July 17, 2020, the closing hour for such a restaurant or tavern is 4 a.m. if the southeast Wisconsin municipality issuing the license authorizes, upon application, the extended closing hour. Alternatively, a southeast Wisconsin municipality may, by ordinance, opt out and retain the regular, unextended closing hour for all licensees. This bill does not affect the hours during which a Class "B" or "Class B" licensee may make sales for off-premises consumption.

BILL

Insert
Article - F
cont'd

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 125.20 of the statutes is created to read:

2 **125.20 Private event venue permit; prohibition.** (1) PERMIT ISSUANCE. (a)

3 The department may issue to property owners private event venue permits that
4 authorize the permittee to rent or lease real property for use as a venue for a private
5 event at which fermented malt beverages or wine is consumed.

6 (b) A private event venue permit may be issued only to a person who holds a
7 valid certificate issued under s. 73.03 (50) and is qualified under s. 125.04 (5), except
8 a person acting as an agent for or in the employ of another.

9 (c) A private event venue permit may not be issued to a person unless the person
10 has provided to the department proof of liability insurance covering the premises for
11 which the permit is issued.

12 (d) A permit may not be issued under this section for premises that are covered
13 by a retail license or permit, but a caterer holding a Class "B" or "Class B" license may
14 deliver fermented malt beverages or wine to premises described in a permit under
15 this section and may provide services in conjunction with the delivery.

16 (e) The biennial fee for a permit issued under this section shall be \$2,000.

17 **(2) OPERATIONAL REQUIREMENTS.** All provisions of this chapter applying to Class
18 "B" and "Class B" licenses and licensees apply to private event venue permits and
19 permittees, except as follows:

Insert
4-2

BILL

SECTION 1

1 (a) A permit issued under this section does not authorize the sale of any alcohol
2 beverages.

3 (b) The host of an event held on premises covered by a permit issued under this
4 section may possess and consume, and allow the possession and consumption by
5 others, on the premises, of fermented malt beverages and wine purchased from a
6 retail licensee or permittee rather than a wholesaler. Upon the conclusion of an
7 event, the host may remove from the premises any remaining fermented malt
8 beverages and wine that is in an unopened, original container.

9 (c) No premises for which a permit under this section is issued may remain open
10 between the hours of 12 midnight and 6 a.m.

11 **(3) PROHIBITION.** (a) No person may rent or lease real property to another for
12 use as a venue for a private event at which fermented malt beverages or wine is
13 consumed unless the person holds a permit issued under this section and
14 consumption of the fermented malt beverages or wine occurs on the premises covered
15 by the permit.

16 (b) No person may rent or lease real property to another for use as a venue for
17 a private event at which distilled spirits are consumed.

18 (c) This subsection does not apply to any of the following:

19 1. A room in a hotel, motel, or bed and breakfast that is used for overnight
20 accommodations.

21 2. Vacation rental property, or any other property of temporary lodging, that
22 is used for overnight accommodations if the property is furnished with sufficient beds
23 for all adult guests to sleep.

24 3. A campsite on a campground licensed under s. 97.67.

25 4. Property used primarily for parking.

Handwritten:
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cont'd

BILL

MKT
4-2
09/10

1 5. Property within a local professional football stadium district created under
2 subch. IV of ch. 229 if the property is used in connection with, and on the same day
3 as, a professional football game held at the football stadium.

4 6. Property within a local professional baseball park district created under
5 subch. III of ch. 229 if the property is used in connection with, and on the same day
6 as, a professional baseball game held at the baseball park.

7 7. Property used by a nonprofit organization, as defined in s. 134.695 (1) (am),
8 or property that such a nonprofit organization owns, rents, or leases.

9 8. Property covered by an appropriate retail license or permit issued under this
10 chapter.

11 (d) The penalty under s. 125.04 (13) shall apply to a violation of this subsection.

12 **SECTION 2. Nonstatutory provisions.**

13 (1) CLOSING HOURS EXCEPTION FOR CERTAIN ALCOHOL BEVERAGE RETAILERS DURING
14 THE DEMOCRATIC NATIONAL CONVENTION IN MILWAUKEE.

15 (a) In this subsection:

16 1. "Municipality" has the meaning given in s. 125.02 (11).

17 2. "Restaurant" has the meaning given in s. 125.02 (18).

18 3. "Southeast Wisconsin municipality" means a municipality any part of which
19 is located within Kenosha, Racine, Walworth, Rock, Milwaukee, Waukesha,
20 Jefferson, Dane, Ozaukee, Washington, Dodge, Columbia, Sheboygan, or Fond du
21 Lac County.

22 (b) 1. In this paragraph, "licensed restaurant or tavern" means premises
23 operating as a restaurant or tavern under a Class "B" license issued by a southeast
24 Wisconsin municipality.

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9-13

BILL

1 2. Notwithstanding s. 125.32 (3) (a), but subject to subd. 4., from July 13 to July
2 17, 2020, the closing hours for a licensed restaurant or tavern shall be between 4 a.m.
3 and 6 a.m. if the municipality that issued the license has authorized this extended
4 closing hour as provided in subd. 3.

5 3. A southeast Wisconsin municipality may establish a process to authorize,
6 and may upon application so authorize, the extended closing hour under subd. 2. for
7 any licensed restaurant or tavern within the municipality.

8 4. Notwithstanding s. 125.32 (3) (d), a southeast Wisconsin municipality may,
9 by ordinance adopted after the effective date of this subdivision, opt out of subd. 2.
10 and retain from July 13 to July 17, 2020, the closing hours specified in s. 125.32 (3)
11 (a).

12 (c) 1. In this paragraph, "licensed restaurant or tavern" means premises
13 operating as a restaurant or tavern under a "Class B" or "Class C" license issued by
14 a southeast Wisconsin municipality.

15 2. Notwithstanding s. 125.68 (4) (c) 1., but subject to subd. 4., from July 13 to
16 July 17, 2020, the closing hours for a licensed restaurant or tavern shall be between
17 4 a.m. and 6 a.m. if the municipality that issued the license has authorized this
18 extended closing hour as provided in subd. 3.

19 3. A southeast Wisconsin municipality may establish a process to authorize,
20 and may upon application so authorize, the extended closing hour under subd. 2. for
21 any licensed restaurant or tavern within the municipality.

22 4. Notwithstanding s. 125.68 (4) (c) 5., a southeast Wisconsin municipality may,
23 by ordinance adopted after the effective date of this subdivision, opt out of subd. 2.
24 and retain from July 13 to July 17, 2020, the closing hours specified in s. 125.68 (4)
25 (c) 1.

*9-13
Candidate*

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INSERT ANAL-C:

New retail permits issued by DOR

INSERT ANAL-D:

Retail sales by caterers off licensed premises

INSERT ANAL-F:

Brewer hours of sale

INSERT 9-16:

SECTION 1. Effective dates. This act takes effect on July 1, 2020, or on the day after publication, whichever is later, except as follows:

(1) The treatment of s. 125.20 (title), (1), and (2) takes effect on July 1, 2020, or on the day after publication, whichever is later.

(2) The treatment of s. 125.20 (3) takes effect on August 1, 2020, or on the 31st day after publication, whichever is later.

(3) The treatment of ss. 125.27 (4) and (6) and 125.51 (5) (b) (title), 1. f., and 2m. and (e) and **SECTION NO TAG** of this act take effect on the day after publication.



the non-stat: LRB-4808, section 2



State of Wisconsin
2019 - 2020 LEGISLATURE

Today if possible

in 1/27

LRB-5495/PA
ARG:all

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1/27 H/c w/ Joe - wants PR w/ two changes:
1) private venue permit - spirits OK
2) DNC hours - cover brewers too

sa ✓

1 **AN ACT to renumber and amend** 125.12 (5); **to amend** 125.27 (4), 125.32 (3)
2 (c), 125.51 (5) (b) (title), 125.51 (5) (e) and 125.68 (4) (c) 4.; and **to create** 125.07
3 (3) (a) 17., 125.12 (5) (b), 125.20, 125.26 (2v), 125.27 (5), 125.27 (6), 125.32 (3)
4 (e), 125.32 (3m) (k), 125.51 (3) (bv), 125.51 (5) (b) 1. f., 125.51 (5) (b) 2m., 125.51
5 (5) (f) and 125.68 (4) (d) of the statutes; **relating to:** creating a private event
6 venue permit issued by the Department of Revenue; the issuance by the
7 Department of Revenue of retail alcohol beverage permits for motor vehicle
8 racetrack grounds and for the state fair park; authorizing caterers to make
9 retail sales of alcohol beverages on racetrack grounds; closing hours for certain
10 alcohol beverage retailers and hours for retail sales by brewers; and providing
11 a penalty.

Analysis by the Legislative Reference Bureau

This bill creates a private event venue permit issued by the Department of Revenue and generally prohibits the rental or lease of property for private events at which fermented malt beverages (beer) or wine is consumed without this permit. This bill also authorizes DOR to issue retail alcohol beverage permits for motor

or intoxicating liquor, which includes wine and distilled spirits,

and brewers
v

vehicle racetrack grounds and for the state fair park. This bill authorizes caterers to make retail sales of alcohol beverages on racetrack grounds. The bill further establishes hours during which brewers may not make retail sales of alcohol beverages. This bill also creates an exception allowing southeast Wisconsin municipalities to authorize extended closing hours for certain alcohol beverage retailers during the time that the 2020 Democratic National Convention is held in Milwaukee.

intoxicating liquor
x

Private event venue permits

Under this bill, DOR may issue to property owners private event venue permits that authorize the permittee to rent or lease property for use as a venue for a private event at which beer or wine is consumed. A permit does not authorize the sale of any alcohol beverages, but the host of the event may possess and consume, and allow the possession and consumption by others, on the premises, of beer and wine purchased from a retailer rather than a wholesaler. Upon the conclusion of the event, the host may remove from the premises any remaining beer and wine that is in an unopened, original container. The premises covered by the permit may not remain open after midnight. Requirements applicable to Class "B" and "Class B" retail licensees and licensed premises otherwise apply to private event venue permittees and premises covered by these permits, including the requirements that operations on the premises are supervised by a licensed bartender and that unaccompanied underage persons not be allowed on the premises. An applicant for a private event venue permit must provide proof of liability insurance and a permit may not be issued for property covered by a retail alcohol beverages license.

x

With exceptions, the bill prohibits 1) a person from renting or leasing property to another for use as a venue for a private event at which beer or wine is consumed unless the person holds a private event venue permit and consumption of the beer or wine occurs on the premises covered by this permit; and 2) a person from renting or leasing property to another for use as a venue for a private event at which distilled spirits are consumed. The bill provides exceptions to these prohibitions for certain types of property, including property covered by a retail alcohol beverages license; hotel rooms and vacation rental property; property used primarily for parking; certain property used in connection with professional football or baseball games; and property used by a nonprofit organization.

this

New retail permits issued by DOR

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. Municipalities may issue retail Class "B" licenses authorizing the sale of beer, and retail "Class B" licenses authorizing the sale of intoxicating liquor, which includes wine and distilled spirits, to consumers. Under certain circumstances, DOR may issue retail Class "B" and "Class B" permits authorizing the retail sale of beer and intoxicating liquor to consumers.

This bill also authorizes DOR to issue retail Class "B" and "Class B" permits for racetrack grounds. The bill defines "racetrack grounds" as property consisting of at least 300 acres containing a motor vehicle racetrack at least four miles in length capable of hosting professional racing events, and includes any building or other

structure on this property associated with the racetrack or with services provided in connection with events held at the racetrack. Under the bill, DOR may issue Class "B" and "Class B" permits, for locations within racetrack grounds, to the owner or operator of the racetrack grounds or to any person designated by the owner or operator of the racetrack grounds to operate premises located within the racetrack grounds. Class "B" and "Class B" permits issued by DOR for racetrack grounds authorize the retail sale of beer and intoxicating liquor at the location within the racetrack grounds specified in the permit, for possession and consumption anywhere within the racetrack grounds. Class "B" and "Class B" permits do not authorize the sale of beer and intoxicating liquor for consumption away from the racetrack grounds and do not authorize the sale of beer and intoxicating liquor at any designated camping area on racetrack grounds while the area is in use for camping. The bill contains an exception allowing underage persons to be present on those locations at racetrack grounds for which Class "B" or "Class B" permits are issued.

This bill allows DOR to issue Class "B" and "Class B" permits to vendors authorizing the retail sale of beer and intoxicating liquor at the state fair park if the State Fair Park Board has, by resolution, annually applied to DOR for the permit. Under the bill, a "vendor" is a person that has entered into a vendor agreement with the State Fair Park Board authorizing the person to sell alcohol beverages at the state fair park.

Retail sales by caterers off licensed premises

Current law generally requires a retail licensee to make retail sales of alcohol beverages only in a face-to-face transaction on the retail licensed premises, although the retail licensee may thereafter deliver and serve the alcohol beverages at another location. An exception allows a caterer to make retail sales off its licensed premises during a special event held at the National Railroad Museum in Green Bay or at the Heritage Hill State Park, if no retail license has been issued for this museum or park. A "caterer" is defined as a person who holds a restaurant license and who is in the business of preparing food and transporting it for consumption at gatherings, meetings, or events if the sale of food at each gathering, meeting, or event accounts for greater than 50 percent of the gross receipts of all of the food and beverages served at the gathering, meeting, or event.

This bill allows a caterer to make retail sales of alcohol beverages off its licensed premises on racetrack grounds, except at a designated camping area while the area is in use for camping and except on premises for which DOR has issued a retail permit for the racetrack grounds.

Closing hours for certain retailers

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. A Class "B" license authorizes the retail sale of beer for consumption on or off the premises. A "Class B" license authorizes the retail sale of intoxicating liquor, which includes wine and distilled spirits, for consumption on the licensed premises and, subject to restrictions, the retail sale of intoxicating liquor in original packages for consumption off the licensed premises. A "Class C" license, which may be issued only for a restaurant, authorizes the retail sale of wine for consumption on the

premises. A retailer operating under a Class “B,” “Class B,” or “Class C” license may not remain open between the hours of 2 a.m. and 6 a.m. on weekdays or between 2:30 a.m. and 6 a.m. on Saturday and Sunday, and a municipality may not impose different closing hours by ordinance. However, there is no closing hour on January 1 for Class “B” and “Class B” licensed retailers. The hours during which a Class “B” or “Class B” licensed retailer may make sales for off-premises consumption are more limited, with these sales prohibited from midnight to 6 a.m., although a municipality may, by ordinance, impose more restrictive hours for these sales.

This bill creates a closing hour exception that may be available for Class “B,” “Class B,” and “Class C” licensees operating as restaurants or taverns in a municipality any part of which is located within Kenosha, Racine, Walworth, Rock, Milwaukee, Waukesha, Jefferson, Dane, Ozaukee, Washington, Dodge, Columbia, Sheboygan, or Fond du Lac County. Under the bill, from July 13 to July 17, 2020, the closing hour for such a restaurant or tavern is 4 a.m. if the southeast Wisconsin municipality issuing the license authorizes, upon application, the extended closing hour. Alternatively, a southeast Wisconsin municipality may, by ordinance, opt out and retain the regular, unextended closing hour for all licensees. This bill does not affect the hours during which a Class “B” or “Class B” licensee may make sales for off-premises consumption.

Brewer hours of sale

Current law allows a brewer holding a brewer’s permit to sell at retail, without a retail license, beer for consumption on or off the brewery premises or the brewer’s off-site retail outlet. If the brewer held an intoxicating liquor license on June 1, 2011, the brewer may also sell at retail, without a retail license, intoxicating liquor for consumption on the brewery premises or the brewer’s off-site retail outlet. Current law does not specify permissible hours of sale for these retail sales by a brewer.

This bill prohibits a brewer from making retail sales of beer and intoxicating liquor during hours in which a Class “B” or “Class B” licensed premises must be closed. As with a Class “B” or “Class B” licensee, a municipality may not impose more restrictive hours for retail sales for on-premises consumption but may impose more restrictive hours for retail sales for off-premises consumption.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 125.07 (3) (a) 17. Premises for which a Class "B" permit is issued under s.
2 125.27 (5) or a "Class B" permit is issued under s. 125.51 (5) (f).

3 **SECTION 2.** 125.12 (5) of the statutes is renumbered 125.12 (5) (a) and amended
4 to read:

5 125.12 (5) (a) The department may, after notice and an opportunity for hearing,
6 revoke, suspend, or refuse to renew any retail permit issued by it for the causes
7 provided in sub. (4) and any other permit issued by it under this chapter for any
8 violation of this chapter or ch. 139, except that, for ~~a violation of sub. (4) (a) 6. with~~
9 ~~respect to a license issued under s. 125.51 (4) (v) or a violation of s. 125.535 or~~
10 139.035, the department shall revoke the license ~~or~~ permit.

11 (c) A revocation, suspension, or refusal to renew a permit under par. (a) or (b)
12 is a contested case under ch. 227.

13 **SECTION 3.** 125.12 (5) (b) of the statutes is created to read:

14 125.12 (5) (b) The department may, after notice and an opportunity for hearing,
15 revoke any permit issued under s. 125.27 (5) or 125.51 (5) (f) to a person designated
16 by the owner or operator of racetrack grounds as provided in s. 125.27 (5) (b) or 125.51
17 (5) (f) 2. if the person's designation has terminated or the owner or operator of the
18 racetrack grounds has otherwise rescinded the person's designation.

19 **SECTION 4.** 125.20 of the statutes is created to read:

20 **125.20 Private event venue permit; prohibition. (1) PERMIT ISSUANCE.** (a)
21 The department may issue to property owners private event venue permits that
22 authorize the permittee to rent or lease real property for use as a venue for a private
23 event at which fermented malt beverages or wine is consumed.

intoxicating liquor

1 (b) A private event venue permit may be issued only to a person who holds a
2 valid certificate issued under s. 73.03 (50) and is qualified under s. 125.04 (5), except
3 a person acting as an agent for or in the employ of another.

4 (c) A private event venue permit may not be issued to a person unless the person
5 has provided to the department proof of liability insurance covering the premises for
6 which the permit is issued.

7 (d) A permit may not be issued under this section for premises that are covered
8 by a retail license or permit, but a caterer holding a Class "B" or "Class B" license may
9 deliver fermented malt beverages or wine ^{intoxicating liquor ✓} to premises described in a permit under
10 this section and may provide services in conjunction with the delivery.

11 (e) The biennial fee for a permit issued under this section shall be \$2,000.

12 **(2) OPERATIONAL REQUIREMENTS.** All provisions of this chapter applying to Class
13 "B" and "Class B" licenses and licensees apply to private event venue permits and
14 permittees, except as follows:

15 (a) A permit issued under this section does not authorize the sale of any alcohol
16 beverages.

17 (b) The host of an event held on premises covered by a permit issued under this
18 section may possess and consume, and allow the possession and consumption by
19 others, on the premises, of fermented malt beverages and wine ^{intoxicating liquor ✓} purchased from a
20 retail licensee or permittee rather than a wholesaler. Upon the conclusion of an
21 event, the host may remove from the premises any remaining fermented malt
22 beverages and wine that is in an unopened, original container.

23 (c) No premises for which a permit under this section is issued may remain open
24 between the hours of 12 midnight and 6 a.m.

intoxicating liquor

1 (3) PROHIBITION. (a) No person may rent or lease real property to another for
2 use as a venue for a private event at which fermented malt beverages or wine is
3 consumed unless the person holds a permit issued under this section and
4 consumption of the fermented malt beverages or wine occurs on the premises covered
5 by the permit.

6 (b) No person may rent or lease real property to another for use as a venue for
7 a private event at which distilled spirits are consumed.

8 (c) This subsection does not apply to any of the following:

9 1. A room in a hotel, motel, or bed and breakfast that is used for overnight
10 accommodations.

11 2. Vacation rental property, or any other property of temporary lodging, that
12 is used for overnight accommodations if the property is furnished with sufficient beds
13 for all adult guests to sleep.

14 3. A campsite on a campground licensed under s. 97.67.

15 4. Property used primarily for parking.

16 5. Property within a local professional football stadium district created under
17 subch. IV of ch. 229 if the property is used in connection with, and on the same day
18 as, a professional football game held at the football stadium.

19 6. Property within a local professional baseball park district created under
20 subch. III of ch. 229 if the property is used in connection with, and on the same day
21 as, a professional baseball game held at the baseball park.

22 7. Property used by a nonprofit organization, as defined in s. 134.695 (1) (am),
23 or property that such a nonprofit organization owns, rents, or leases.

24 8. Property covered by an appropriate retail license or permit issued under this
25 chapter.

1 (d) The penalty under s. 125.04 (13) shall apply to a violation of this subsection.

2 **SECTION 5.** 125.26 (2v) of the statutes is created to read:

3 125.26 (2v) (a) Subject to pars. (b) and (c), and notwithstanding ss. 125.04 (3)
4 (a) 3. and (9), 125.09 (1), and 125.32 (6) (a), in addition to the authorization specified
5 in sub. (1), a Class "B" license issued under this section to a caterer also authorizes
6 the caterer to provide fermented malt beverages, including their retail sale, on
7 racetrack grounds, as defined in s. 125.27 (5) (a). Subject to pars. (b) and (c), and
8 notwithstanding sub. (1) and s. 125.32 (6) (a), a caterer may provide fermented malt
9 beverages under this paragraph at any location on racetrack grounds even though
10 the racetrack grounds are not part of the caterer's licensed premises, as described
11 under sub. (3) in the caterer's Class "B" license, and even if the racetracks grounds
12 are not located within the municipality that issued the caterer's Class "B" license.
13 A caterer that provides fermented malt beverages under this paragraph is subject
14 to s. 125.32 (2) and (3) as if the fermented malt beverages were provided on the
15 caterer's Class "B" licensed premises.

16 (b) A caterer may not provide fermented malt beverages under par. (a) at any
17 designated camping area on racetrack grounds while the area is in use for camping.

18 (c) A caterer may not provide fermented malt beverages under par. (a) on any
19 premises covered by a permit issued under s. 125.27 (5) or 125.51 (5) (f).

20 **SECTION 6.** 125.27 (4) of the statutes is amended to read:

21 125.27 (4) ADDITIONAL SALES AUTHORITY FOR PERMITTEES. Notwithstanding subs.
22 (1) (d), (2) (d), and (3) (d) and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition
23 to the authorization specified in sub. (1), (2), or (3), a Class "B" permit issued under
24 this section also authorizes the permittee to provide fermented malt beverages,
25 including their retail sale, at specific locations within the Ozaukee County

1 fairgrounds for consumption at these locations during special events held at the
2 fairgrounds, if the Ozaukee County board adopts a resolution approving the
3 permittee and if the premises covered by the Class "B" permit are located in Ozaukee
4 County. Notwithstanding subs. (1), (2), and (3), a permittee may provide fermented
5 malt beverages under this subsection at the Ozaukee County fairgrounds even
6 though the Ozaukee County fairgrounds are not part of the premises described in the
7 permit. A permittee that provides fermented malt beverages under this subsection
8 is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the
9 premises covered by the Class "B" permit. Notwithstanding s. 125.34 (4) and (5), a
10 wholesaler may deliver fermented malt beverages to the Ozaukee County
11 fairgrounds to a permittee approved by the Ozaukee County board under this
12 subsection and such an approved permittee may transport fermented malt
13 beverages from the premises covered by the permit to the Ozaukee County
14 fairgrounds for purposes of selling the fermented malt beverages at the Ozaukee
15 County fairgrounds. This subsection does not authorize Ozaukee County or any
16 person operating or managing the Ozaukee County fairgrounds to sell fermented
17 malt beverages at retail or to procure or stock fermented malt beverages for purposes
18 of retail sale. This subsection does not apply to a permit issued under sub. (6).

19 **SECTION 7.** 125.27 (5) of the statutes is created to read:

20 125.27 (5) PERMITS FOR RACETRACK GROUNDS. (a) In this subsection, "racetrack
21 grounds" means real property consisting of at least 300 acres containing a motor
22 vehicle racetrack at least 4 miles in length capable of hosting professional racing
23 events, and includes any building or other structure on this property associated with
24 the racetrack or with services provided in connection with events held at the
25 racetrack.

1 (b) The department may issue Class “B” permits for locations within racetrack
2 grounds to any person that holds a valid certificate issued under s. 73.03 (50), that
3 is qualified under s. 125.04 (5) and (6), and that is the owner or operator of the
4 racetrack grounds or is designated by the owner or operator of the racetrack grounds
5 to operate premises located within the racetrack grounds. Subject to par. (e), the
6 permit authorizes the retail sale of fermented malt beverages on the premises
7 covered by the permit, for consumption anywhere within the racetrack grounds. If
8 the department issues more than one permit under this subsection for the same
9 racetrack grounds, no part of the premises covered by a permit under this subsection
10 may overlap with premises covered by any other permit issued under this subsection.

11 (c) Persons holding a permit under par. (b) may sell beverages containing less
12 than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

13 (d) Subject to ss. 125.07 (3) (a) 17. and 125.32 (3) (c) and (3m) (k), all provisions
14 of this chapter applying to Class “B” licenses apply to Class “B” permits issued under
15 this subsection, except as follows:

16 1. A permit issued under this subsection does not authorize retail sales of
17 fermented malt beverages for consumption off the racetrack grounds.

18 2. A permit issued under this subsection authorizes the retail sale of fermented
19 malt beverages for possession and consumption off the premises where sold if the
20 possession and consumption occurs within the racetrack grounds.

21 (e) A permit issued under this subsection does not authorize retail sales of
22 fermented malt beverages at any designated camping area on racetrack grounds
23 while the area is in use for camping.

24 (f) The department shall establish a fee for a permit issued under this
25 subsection in the amount of 50 percent of the fee for a permit issued under sub. (1).

1 **SECTION 8.** 125.27 (6) of the statutes is created to read:

2 **125.27 (6) PERMITS FOR STATE FAIR PARK.** (a) In this subsection, “vendor” means
3 a person that has entered into a vendor agreement with the state fair park board
4 authorizing the person to sell fermented malt beverages at the state fair park.

5 (b) The department may issue a Class “B” permit to a vendor that holds a valid
6 certificate issued under s. 73.03 (50) and that conducts business at the state fair park
7 if the state fair park board has, by resolution, annually applied to the department
8 for the permit. The permit authorizes the retail sale of fermented malt beverages at
9 the state fair park to be consumed on the premises where sold.

10 (c) Except as otherwise provided in this subsection, all sections of this chapter
11 relating to Class “B” licenses apply to Class “B” permits issued under this subsection.

12 **SECTION 9.** 125.32 (3) (c) of the statutes is amended to read:

13 **125.32 (3) (c)** Hotels and restaurants the principal business of which is the
14 furnishing of food and lodging to patrons, bowling centers, movie theaters, painting
15 studios, indoor golf and baseball facilities, racetrack grounds, as defined in s. 125.27
16 (5) (a), indoor horseshoe-pitching facilities, curling clubs, golf courses and golf
17 clubhouses may remain open for the conduct of their regular business but may not
18 sell fermented malt beverages during the hours specified in par. (a).

19 **SECTION 10.** 125.32 (3) (e) of the statutes is created to read:

20 **125.32 (3) (e) 1.** A brewer holding a permit under s. 125.29 may not sell
21 fermented malt beverages at retail under s. 125.29 (3) (e), or under s. 125.29 (3) (g)
22 for consumption on the premises, or provide taste samples under s. 125.29 (3) (i),
23 during the hours in which a Class “B” licensed premises is required under par. (a) to
24 be closed. Brewery premises may remain open for the conduct of other brewery

1 operations during these hours, but a brewer's off-site retail outlet may not remain
2 open during these hours.

3 2. A brewer holding a permit under s. 125.29 may not sell fermented malt
4 beverages at retail under s. 125.29 (3) (f), or under s. 125.29 (3) (g) for consumption
5 off the premises, between 12 midnight and 6 a.m.

6 3. A municipality may, by ordinance, impose more restrictive hours than those
7 provided in subd. 2., but may not impose different hours than those provided in subd.
8 1.

9 **SECTION 11.** 125.32 (3m) (k) of the statutes is created to read:

10 125.32 (3m) (k) Premises for which a Class "B" permit is issued under s. 125.27
11 (5).

12 **SECTION 12.** 125.51 (3) (bv) of the statutes is created to read:

13 125.51 (3) (bv) 1. Subject to subds. 2. and 3., and notwithstanding ss. 125.04
14 (3) (a) 3. and (9), 125.09 (1), and 125.32 (6) (a), in addition to the authorization
15 specified in par. (a) or (b) and in sub. (1) (a), a "Class B" license issued under sub. (1)
16 to a caterer also authorizes the caterer to provide intoxicating liquor, including its
17 retail sale, on racetrack grounds, as defined in s. 125.27 (5) (a). Subject to subds. 2.
18 and 3., and notwithstanding pars. (a) and (b) and sub. (1) (a) and s. 125.32 (6) (a), a
19 caterer may provide intoxicating liquor under this subdivision at any location on
20 racetrack grounds even though the racetrack grounds are not part of the caterer's
21 licensed premises, as described under par. (d) in the caterer's "Class B" license, and
22 even if the racetrack grounds are not located within the municipality that issued the
23 caterer's "Class B" license. A caterer that provides intoxicating liquor under this
24 subdivision is subject to s. 125.68 (2) and (4) as if the intoxicating liquor were
25 provided on the caterer's "Class B" licensed premises.

1 2. A caterer may not provide intoxicating liquor under subd. 1. at any
2 designated camping area on racetrack grounds while the area is in use for camping.

3 3. A caterer may not provide intoxicating liquor under subd. 1. on any premises
4 covered by a permit issued under s. 125.27 (5) or 125.51 (5) (f).

5 **SECTION 13.** 125.51 (5) (b) (title) of the statutes is amended to read:

6 125.51 (5) (b) (title) *Public facilities ~~and~~, airports, and state fair park.*

7 **SECTION 14.** 125.51 (5) (b) 1. f. of the statutes is created to read:

8 125.51 (5) (b) 1. f. "Vendor" means a person that has entered into a vendor
9 agreement with the state fair park board authorizing the person to sell intoxicating
10 liquor at the state fair park.

11 **SECTION 15.** 125.51 (5) (b) 2m. of the statutes is created to read:

12 125.51 (5) (b) 2m. The department may issue a "Class B" permit to a vendor that
13 holds a valid certificate issued under s. 73.03 (50) and that conducts business at the
14 state fair park if the state fair park board has, by resolution, annually applied to the
15 department for the permit. The permit authorizes the retail sale of intoxicating
16 liquor at the state fair park to be consumed on the premises where sold.

17 **SECTION 16.** 125.51 (5) (e) of the statutes is amended to read:

18 125.51 (5) (e) *Additional sales authority for permittees.* Notwithstanding pars.
19 (a) 2., (b) 3., (c) 3., and (d) 3. and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition
20 to the authorization specified in par. (a), (b), (c), or (d), a "Class B" permit issued
21 under this subsection also authorizes the permittee to provide intoxicating liquor,
22 including its retail sale, at specific locations within the Ozaukee County fairgrounds
23 for consumption at these locations during special events held at the fairgrounds, if
24 the Ozaukee County board adopts a resolution approving the permittee and if the
25 premises covered by the "Class B" permit are located in Ozaukee County.

1 Notwithstanding pars. (a), (b), (c), and (d), a permittee may provide intoxicating
2 liquor under this paragraph at the Ozaukee County fairgrounds even though the
3 Ozaukee County fairgrounds are not part of the premises described in the permit.
4 A permittee that provides intoxicating liquor under this paragraph is subject to s.
5 125.68 (2) as if the intoxicating liquor were provided on the premises covered by the
6 “Class B” permit. This paragraph does not authorize Ozaukee County or any person
7 operating or managing the Ozaukee County fairgrounds to sell intoxicating liquor
8 at retail or to procure or stock intoxicating liquor for purposes of retail sale. This
9 paragraph does not apply to a permit issued under par. (b) 2m.

10 **SECTION 17.** 125.51 (5) (f) of the statutes is created to read:

11 125.51 (5) (f) *Permits for racetrack grounds.* 1. In this paragraph, “racetrack
12 grounds” has the meaning given in s. 125.27 (5) (a).

13 2. The department may issue “Class B” permits for locations within racetrack
14 grounds to any person that holds a valid certificate issued under s. 73.03 (50), that
15 is qualified under s. 125.04 (5) and (6), and that is the owner or operator of the
16 racetrack grounds or is designated by the owner or operator of the racetrack grounds
17 to operate premises located within the racetrack grounds. Subject to subd. 4., the
18 permit authorizes the retail sale of intoxicating liquor, by the glass and not in the
19 original package or container, on the premises covered by the permit, for
20 consumption anywhere within the racetrack grounds. If the department issues more
21 than one permit under this paragraph for the same racetrack grounds, no part of the
22 premises covered by a permit under this paragraph may overlap with premises
23 covered by any other permit issued under this paragraph.

1 3. Subject to ss. 125.07 (3) (a) 17. and 125.68 (4) (c) 4., all provisions of this
2 chapter applying to “Class B” licenses apply to “Class B” permits issued under this
3 paragraph, except as follows:

4 a. A permit issued under this paragraph does not authorize retail sales of
5 intoxicating liquor for consumption off the racetrack grounds.

6 b. A permit issued under this paragraph authorizes the retail sale of
7 intoxicating liquor for possession and consumption off the premises where sold if the
8 possession and consumption occurs within the racetrack grounds.

9 4. A permit issued under this paragraph does not authorize retail sales of
10 intoxicating liquor at any designated camping area on racetrack grounds while the
11 area is in use for camping.

12 5. The department shall establish a fee for a permit issued under this
13 paragraph in the amount of 50 percent of the fee for a permit issued under par. (a).

14 **SECTION 18.** 125.68 (4) (c) 4. of the statutes is amended to read:

15 125.68 (4) (c) 4. Hotels and restaurants the principal business of which is the
16 furnishing of food, drinks or lodging to patrons, bowling centers, movie theaters,
17 painting studios, racetrack grounds, as defined in s. 125.27 (5) (a), indoor
18 horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may
19 remain open for the conduct of their regular business but may not sell intoxicating
20 liquor during the closing hours under subd. 1. or, with respect to the sale of
21 intoxicating liquor authorized under s. 125.51 (3r) (a), under subd. 3.

22 **SECTION 19.** 125.68 (4) (d) of the statutes is created to read:

23 125.68 (4) (d) *Brewers*. 1. A brewer holding a permit under s. 125.29 may not
24 sell intoxicating liquor at retail under s. 125.29 (3) (h) during the hours in which a
25 “Class B” licensed premises is required under par. (c) 1. to be closed. Brewery

1 premises may remain open for the conduct of other brewery operations during these
2 hours, but a brewer's off-site retail outlet may not remain open during these hours.

3 2. A municipality may not, by ordinance, impose different hours than those
4 provided under subd. 1.

5 **SECTION 20. Nonstatutory provisions.**

CS and brewers

6 (1) CLOSING HOURS EXCEPTION FOR CERTAIN ALCOHOL BEVERAGE RETAILERS DURING
7 THE DEMOCRATIC NATIONAL CONVENTION IN MILWAUKEE.

8 (a) In this subsection:

9 1. "Municipality" has the meaning given in s. 125.02 (11).

10 2. "Restaurant" has the meaning given in s. 125.02 (18).

11 3. "Southeast Wisconsin municipality" means a municipality any part of which
12 is located within Kenosha, Racine, Walworth, Rock, Milwaukee, Waukesha,
13 Jefferson, Dane, Ozaukee, Washington, Dodge, Columbia, Sheboygan, or Fond du
14 Lac County.

15 (b) 1. In this paragraph, "licensed restaurant or tavern" means premises
16 operating as a restaurant or tavern under a Class "B" license issued by a southeast
17 Wisconsin municipality.

18 2. Notwithstanding s. 125.32 (3) (a), but subject to subd. 4., from July 13 to July
19 17, 2020, the closing hours for a licensed restaurant or tavern shall be between 4 a.m.
20 and 6 a.m. if the municipality that issued the license has authorized this extended
21 closing hour as provided in subd. 3.

22 3. A southeast Wisconsin municipality may establish a process to authorize,
23 and may upon application so authorize, the extended closing hour under subd. 2. for
24 any licensed restaurant or tavern within the municipality.

1 4. Notwithstanding s. 125.32 (3) (d), a southeast Wisconsin municipality may,
2 by ordinance adopted after the effective date of this subdivision, opt out of subd. 2.
3 and retain from July 13 to July 17, 2020, the closing hours specified in s. 125.32 (3)
4 (a).

5 (c) 1. In this paragraph, "licensed restaurant or tavern" means premises
6 operating as a restaurant or tavern under a "Class B" or "Class C" license issued by
7 a southeast Wisconsin municipality.

8 2. Notwithstanding s. 125.68 (4) (c) 1., but subject to subd. 4., from July 13 to
9 July 17, 2020, the closing hours for a licensed restaurant or tavern shall be between
10 4 a.m. and 6 a.m. if the municipality that issued the license has authorized this
11 extended closing hour as provided in subd. 3.

12 3. A southeast Wisconsin municipality may establish a process to authorize,
13 and may upon application so authorize, the extended closing hour under subd. 2. for
14 any licensed restaurant or tavern within the municipality.

15 4. Notwithstanding s. 125.68 (4) (c) 5., a southeast Wisconsin municipality may,
16 by ordinance adopted after the effective date of this subdivision, opt out of subd. 2.
17 and retain from July 13 to July 17, 2020, the closing hours specified in s. 125.68 (4)
18 (c) 1.

19 **SECTION 21. Effective dates.** This act takes effect on the first day of the 3rd
20 month beginning publication, except as follows:

21 (1) The treatment of s. 125.20 (title), (1), and (2) takes effect on July 1, 2020,
22 or on the day after publication, whichever is later.

23 (2) The treatment of s. 125.20 (3) takes effect on August 1, 2020, or on the 31st
24 day after publication, whichever is later.

insert
17-18

1 **INSERT ANAL:** ✓

(no 9) If the brewer is located in a southeast Wisconsin municipality, from July 13 to July 17, 2020, the brewer is eligible for the same extended closing hours applicable to Class "B," "Class B," and "Class C" licensees if the southeast Wisconsin municipality has elected to extend closing hours for these retail licensees. ✓

2

3 **INSERT 16-8:** ✓

4 1. "Brewer" means a person holding a brewer's permit under s. 125.29 if the
5 brewery premises or the brewer's off-site retail outlet is located in a southeast
6 Wisconsin municipality.

7

8 **INSERT 17-18:**

9 (d) 1. Notwithstanding ss. 125.32 (3) (e) and 125.68 (4) (d), from July 13 to July
10 17, 2020, the closing hours for a brewer's off-site retail outlet, and the hours during
11 which a brewer may not sell fermented malt beverages or intoxicating liquor at retail
12 on the brewery premises, shall be the same as the closing hours applicable to,
13 respectively, Class "B" licensees under ^{par. over a.f.} paragraph (b) and "Class B" and "Class C"
14 licensees under par. (c) ^{that is} which licensee is located in the same southeast Wisconsin
15 municipality. _{a.f.}

16 2. If a southeast Wisconsin municipality establishes a process under ^{par.} paragraph
17 (b) 3. or (c) 3. to authorize extended closing hours for Class "B" licensees or "Class B"
18 and "Class C" licensees, the municipality shall use the same process, and apply the
19 same standards, to authorize, upon application, extended hours for brewers under
20 ^{subd.} subdivision 1. with respect to brewery premises or the brewer's off-site retail outlet
21 located within that southeast Wisconsin municipality. _{a.f.}

1 (3) The treatment of ss. 125.27 (4) and (6) and 125.51 (5) (b) (title), 1. f., ²and 2m. ✓
2 and (e) and SECTION 20 of this act take effect on the day after publication.

3 (END)

Gary, Aaron

From: Mesec, Joe
Sent: Tuesday, February 04, 2020 2:39 PM
To: Gary, Aaron
Subject: p2 changes

Hi Aaron,

Wanted to email you over changes to add to the p2 draft that are confirmed with the stakeholders.

- Add language that will cover UW-Madison and other amateur sports to tailgating.
- Mirror Barn closing hours to taverns or Class B establishments

There might be some more minor changes coming before tomorrow, but wanted to loop you in on the confirm changes.

Thanks,

Joe Mesec
Office of Representative Rob Swearingen
34th Assembly District
(608) 237-9134 (Office)
(608) 237-9442 (Direct)

state fair park → allow consumption
throughout state fair park

• although fix not necessary, clarify ~~the~~
~~the~~ s. 125.51 (c) (b) 4. does not apply
. needed red.