

No. 659, S.]

[Published July 4, 1953.]

CHAPTER 361

AN ACT to create 139.11 (9) of the statutes, relating to the occupational tax on fermented malt beverages and the payment thereof and providing penalties.

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

SECTION 1. 139.11 (9) of the statutes is created to read:

139.11 (9) (a) If any present or future law or regulation effective in any state shall prohibit a person from shipping into such state a fermented malt beverage produced outside thereof except upon condition that the person shipping such fermented malt beverage into such state shall first obtain a license therefor from such state and if such license or a renewal thereof may be refused for violation of any of the laws of such state relating to fermented malt beverages, it shall be unlawful to ship into this state or to purchase or sell within this state any fermented malt beverage produced in such state, unless and until the brewer thereof shall be the holder of a valid subsisting license as provided in this subsection.

(b) Such license shall be issued by the commissioner of taxation for the period of one year and must be renewed annually. The application for such license shall be verified and shall contain an agreement on the part of the brewer that brewer shall observe all laws of this state relating to fermented malt beverages, and such other information and statements as the commissioner of taxation may require. Any such brewer who has directly or indirectly, violated any of the laws of this state relating to fermented malt beverages shall not be entitled to such a license. No fee shall be required for any such license. The commissioner of taxation may require the applicant to furnish and file a bond to be approved by the commissioner of taxation payable to the state in an amount not less than \$1,000 nor more than \$5,000 conditioned upon the faithful compliance by the applicant with the undertakings set forth in the application for the license.

(c) The commissioner of taxation may suspend or revoke any such license for any false statement made in the application therefor and for any prior or subsequent violation by the licensee, directly or indirectly, or by any person, firm or corporation affiliated with or in any way subject to the direction or control of the licensee, of any of the laws of this state relating to fermented malt beverages.

(d) Any such brewer and any other person, firm or corporation who ships or causes or permits to be shipped into this state any such fermented malt beverage, and any person, firm or corporation who knowingly receives within this state from outside this state, any such fermented malt beverage, at a time when the brewer thereof is not the holder of a valid and subsisting license as herein provided, shall be guilty of a misdemeanor.

(e) The conditions and requirements of this subsection shall be in addition to and not in lieu of the conditions and requirements of subs. (1) to (8).

(f) If any law or regulation of any state shall specify uniform or substantially uniform requirements with respect to any ingredient of fermented malt beverages produced in such state and fermented malt beverages produced outside thereof but sold within such state and if such state or its officials or agencies shall enforce or give effect to such provisions as against any malt beverage produced outside of such state without concurrently and to the same extent enforcing and giving effect to such provisions as against all malt beverages produced and sold within such state, and if the foregoing shall be found and determined by the commissioner of taxation after a public hearing, it shall thereafter be unlawful and a misdemeanor for any person with knowledge of such finding and determination to ship into or receive or sell within this state any malt beverage produced in such state unless and until the commissioner of taxation shall find and determine, after a public hearing, that such discriminatory treatment has been discontinued.

SECTION 2. This act shall take effect September 1, 1953.

Approved June 25, 1953.