



2013 ASSEMBLY BILL 856

March 10, 2014 - Introduced by Representatives TAUCHEN, SKOWRONSKI, BIES, CZAJA, HULSEY, OHNSTAD, KRUG and SHANKLAND, cosponsored by Senators FARROW and JAUCH. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT** *to renumber and amend* 15.06 (2); *to amend* 15.01 (2); and *to create*
2 15.06 (1) (am), 15.06 (2) (c), 15.06 (3) (a) 5., 15.135 (5), 17.07 (3r), 20.115 (5),
3 20.923 (4) (b) 7., 42.01 (6), 93.95 and 230.08 (2) (pf) of the statutes; **relating to:**
4 creating a Wisconsin Beer Commission and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a seven-member Wisconsin beer commission, attached to the Department of Agriculture, Trade and Consumer Protection (DATCP). Members of the beer commission are nominated by the secretary of DATCP for three-year terms and are subject to confirmation by the senate. The members of the beer commission must include four members representing Wisconsin brewers or brewpubs that manufacture not more than 300,000 barrels of fermented malt beverages (beer) annually, one member representing Wisconsin brewers that manufacture more than 300,000 barrels of beer annually, one member representing Wisconsin beer wholesalers, and a chairperson. No member of the commission, except the chairperson, may receive any salary for services performed as a commission member.

The beer commission must promote Wisconsin beer, directly or indirectly, including through the marketing and advertising of beer and research related to the marketing and advertising of beer. The beer commission may maintain and operate a place for the sale of Wisconsin beer at the state fair park and the State Fair Park Board must make reasonable and adequate space available for the beer commission to do so. When selling beer at the state fair park, the beer commission may sell only beer produced in Wisconsin and must make available for sale a wide variety of brands

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of Wisconsin beer. Beer sold by the beer commission at the state fair park must be purchased from the wholesalers whose designated sales territory for the brands sold includes the state fair park or, for any brand for which no wholesaler has a designated sales territory that includes the state fair park, the brewer or brewpub that produced the brand.

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.** 15.01 (2) of the statutes is amended to read:

2 15.01 (2) "Commission" means a 3-member governing body in charge of a
3 department or independent agency or of a division or other subunit within a
4 department, except for the Wisconsin waterways commission which shall consist of
5 5 members, the Wisconsin beer commission which shall consist of 7 members, and
6 the parole commission which shall consist of 8 members. A Wisconsin group created
7 for participation in a continuing interstate body, or the interstate body itself, shall
8 be known as a "commission", but is not a commission for purposes of s. 15.06. The
9 parole commission created under s. 15.145 (1) shall be known as a "commission", but
10 is not a commission for purposes of s. 15.06.

11 **SECTION 2.** 15.06 (1) (am) of the statutes is created to read:

12 15.06 (1) (am) Members of the Wisconsin beer commission shall be nominated
13 by the secretary of agriculture, trade and consumer protection, and with the advice
14 and consent of the senate appointed, for 3-year terms.

15 **SECTION 3.** 15.06 (2) of the statutes is renumbered 15.06 (2) (a) and amended
16 to read:

17 15.06 (2) (a) **SELECTION OF OFFICERS.** Each commission may annually elect
18 officers other than a chairperson from among its members as its work requires. Any

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1 officer may be reappointed or reelected. ~~At Except as provided in pars. (b) and (c),~~
2 ~~at~~ the time of making new nominations to commissions, the governor shall designate
3 a member or nominee of each commission to serve as the commission's chairperson
4 for a 2-year term expiring on March 1 of the odd-numbered year ~~except that the~~.

5 (b) The labor and industry review commission shall elect one of its members
6 to serve as the commission's chairperson for a 2-year term expiring on March 1 of
7 the odd-numbered year.

8 **SECTION 4.** 15.06 (2) (c) of the statutes is created to read:

9 15.06 (2) (c) The secretary of agriculture, trade and consumer protection shall
10 nominate a member to serve as the beer commission's chairperson and, if confirmed,
11 this person shall serve as the chairperson for the duration of his or her term as a
12 member but is subject to removal under s. 17.07 (3r).

13 **SECTION 5.** 15.06 (3) (a) 5. of the statutes is created to read:

14 15.06 (3) (a) 5. The members of the Wisconsin beer commission.

15 **SECTION 6.** 15.135 (5) of the statutes is created to read:

16 15.135 (5) BEER COMMISSION. (a) There is created a beer commission which is
17 attached to the department of agriculture, trade and consumer protection under s.
18 15.03. The commission consists of the following members:

19 1. One member who shall be designated as the chairperson by the secretary of
20 agriculture, trade and consumer protection.

21 2. Four members representing brewers, as defined in s. 93.95 (1) (b), that
22 manufacture not more than 300,000 barrels of fermented malt beverages annually.

23 3. One member representing brewers, as defined in s. 93.95 (1) (b), that
24 manufacture more than 300,000 barrels of fermented malt beverages annually.

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1 4. One member representing wholesalers holding permits issued under s.
2 125.28.

3 (b) The members under par. (a) shall be nominated by the secretary of
4 agriculture, trade and consumer protection, and with the advice and consent of the
5 senate appointed, for 3-year terms.

6 (c) No member of the commission, except the chairperson, may receive any
7 salary for services performed as a commission member. Each commission member
8 shall be reimbursed for actual and necessary expenses incurred while performing
9 official duties.

10 **SECTION 7.** 17.07 (3r) of the statutes is created to read:

11 17.07 (3r) Notwithstanding sub. (3), the beer commission chairperson may be
12 removed by the secretary of agriculture, trade and consumer protection, at pleasure.

13 **SECTION 8.** 20.115 (5) of the statutes is created to read:

14 20.115 (5) BEER COMMISSION. (a) *General program operations.* All moneys
15 received by the beer commission for the activities specified in s. 93.95 (2) (a) and (3)
16 (a) and the general program operations of the beer commission.

17 **SECTION 9.** 20.923 (4) (b) 7. of the statutes is created to read:

18 20.923 (4) (b) 7. Beer commission: chairperson.

19 **SECTION 10.** 42.01 (6) of the statutes is created to read:

20 42.01 (6) The state fair park board shall make reasonable and adequate space
21 available at the state fair park for the Wisconsin beer commission to maintain and
22 operate a place for the sale of beer, as described in s. 93.95 (3) (a). The state fair park
23 board may not require the Wisconsin beer commission to hold a license under s.
24 125.26 to sell beer at the state fair park.

25 **SECTION 11.** 93.95 of the statutes is created to read:

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1 **93.95 Beer commission. (1)** In this section:

2 (a) “Beer” has the meaning given for “fermented malt beverages” in s. 125.02

3 (6).

4 (b) “Brewer” means a brewer holding a permit issued under s. 125.29.

5 (c) “Brewpub” means a brewpub holding a permit issued under s. 125.295.

6 (d) “Producer” means a brewer or brewpub.

7 (e) “Wholesaler” means a wholesaler holding a permit issued under s. 125.28.

8 **(2)** (a) The beer commission shall promote Wisconsin beer, directly or indirectly,
9 including through the marketing and advertising of beer and research related to the
10 marketing and advertising of beer.

11 (b) All moneys received by the beer commission shall be credited to the
12 appropriation account under s. 20.115 (5) (a).

13 **(3)** The beer commission has all of the powers necessary or convenient to carry
14 out the purposes and provisions of sub. (2), including authority to do all of the
15 following:

16 (a) Maintain and operate a place for the sale of Wisconsin beer at the state fair
17 park as a revenue-generating enterprise. When selling beer at the state fair park,
18 the beer commission may sell only beer produced in Wisconsin and shall make
19 available for sale a wide variety of brands of beer produced in Wisconsin. Beer sold
20 by the beer commission at the state fair park shall be purchased by the beer
21 commission from the wholesalers whose designated sales territory for the brands
22 sold includes the state fair park or, for any brand for which no wholesaler has a
23 designated sales territory that includes the state fair park, the brewer or brewpub
24 that produced the brand. Notwithstanding any provision of s. 125.28, 125.29, or
25 125.295, any wholesaler, brewer, or brewpub from which the beer commission is

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1 authorized to purchase a brand of beer under this paragraph is also authorized to sell
2 that brand of beer to the beer commission. Any beer purchased by the beer
3 commission from a brewpub does not count toward the brewpub's 1,000 barrel limit
4 specified in s. 125.295 (1) (g).

5 (b) Notwithstanding any provision of s. 125.33 or 125.34, accept gifts and
6 donations to be used for the purpose for which the gift or donation is made, including
7 donations of beer by brewers, brewpubs, and wholesalers. Notwithstanding any
8 provision of s. 125.28, 125.29, 125.295, 125.315, 125.33, or 125.34, brewers,
9 brewpubs, and wholesalers may make donations of beer to the beer commission.

10 (c) Enter into contracts, employ agents, consultants, contractors, and
11 employees, and engage professional services.

12 (d) Do and perform any acts authorized by this section under, through, or by
13 means of an agent or by contract with any person.

14 (4) The chairperson of the beer commission shall administer and supervise the
15 commission and its activities.

16 (5) Being a member of the beer commission does not constitute a violation of,
17 and is not grounds for denial, suspension, or revocation of a permit under, s. 125.28
18 (2) (b), 125.29 (2), or 125.295 (2) (a) 6. or (3) (b).

19 **SECTION 12.** 230.08 (2) (pf) of the statutes is created to read:

20 230.08 (2) (pf) The chairperson of the beer commission.

21 **SECTION 13. Nonstatutory provisions.**

22 (1) INITIAL TERMS OF BEER COMMISSION MEMBERS. Notwithstanding the length of
23 terms specified for members of the beer commission under sections 15.06 (1) (am) and
24 15.135 (5) (b) of the statutes, as created by this act, the initial terms for 4 members
25 shall be as follows:

