



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa1379/1
ARG:amn

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 753**

February 20, 2020 - Offered by Representative VORPAGEL.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 4: after "level" insert ", the issuance by the Department of
3 Revenue of retail alcohol beverage permits for motor vehicle racetrack grounds, and
4 authorizing caterers to make retail sales of alcohol beverages on racetrack grounds".

5 **2.** Page 3, line 8: after that line insert:

6 "SECTION 5c. 125.07 (3) (a) 17. of the statutes is created to read:

7 125.07 (3) (a) 17. Premises for which a Class "B" permit is issued under s.
8 125.27 (5) or a "Class B" permit is issued under s. 125.51 (5) (f).

9 **SECTION 5d.** 125.12 (5) of the statutes is renumbered 125.12 (5) (a) and
10 amended to read:

11 125.12 (5) (a) The department may, after notice and an opportunity for hearing,
12 revoke, suspend, or refuse to renew any retail permit issued by it for the causes
13 provided in sub. (4) and any other permit issued by it under this chapter for any

1 violation of this chapter or ch. 139, except that, for ~~a violation of sub. (4) (ag) 6. with~~
2 ~~respect to a license issued under s. 125.51 (4) (v) or a violation of s. 125.535 or~~
3 139.035, the department shall revoke the license ~~or~~ permit.

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

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

7 125.12 (5) (b) The department may, after notice and an opportunity for hearing,
8 revoke any permit issued under s. 125.27 (5) or 125.51 (5) (f) to a person designated
9 by the owner or operator of racetrack grounds as provided in s. 125.27 (5) (b) or 125.51
10 (5) (f) 2. if the person's designation has terminated or the owner or operator of the
11 racetrack grounds has otherwise rescinded the person's designation.

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

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

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

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

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

6 125.27 (5) PERMITS FOR RACETRACK GROUNDS. (a) In this subsection, “racetrack
7 grounds” means real property consisting of at least 300 acres containing a motor
8 vehicle racetrack at least 4 miles in length capable of hosting professional racing
9 events, and includes any building or other structure on this property associated with
10 the racetrack or with services provided in connection with events held at the
11 racetrack.

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

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

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

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

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

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

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

14 **SECTION 5h.** 125.32 (3) (c) of the statutes is amended to read:

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

21 **SECTION 5i.** 125.32 (3m) (k) of the statutes is created to read:

22 125.32 (3m) (k) Premises for which a Class “B” permit is issued under s. 125.27
23 (5).

24 **SECTION 5j.** 125.51 (3) (bv) of the statutes is created to read:

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

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

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

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

19 125.51 (5) (f) *Permits for racetrack grounds.* 1. In this paragraph, “racetrack
20 grounds” has the meaning given in s. 125.27 (5) (a).

21 2. The department may issue “Class B” permits for locations within racetrack
22 grounds to any person that holds a valid certificate issued under s. 73.03 (50), that
23 is qualified under s. 125.04 (5) and (6), and that is the owner or operator of the
24 racetrack grounds or is designated by the owner or operator of the racetrack grounds
25 to operate premises located within the racetrack grounds. Subject to subd. 4., the

1 permit authorizes the retail sale of intoxicating liquor, by the glass and not in the
2 original package or container, on the premises covered by the permit, for
3 consumption anywhere within the racetrack grounds. If the department issues more
4 than one permit under this paragraph for the same racetrack grounds, no part of the
5 premises covered by a permit under this paragraph may overlap with premises
6 covered by any other permit issued under this paragraph.

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

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

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

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

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

20 **SECTION 5L.** 125.68 (4) (c) 4. of the statutes is amended to read:

21 125.68 (4) (c) 4. Hotels and restaurants the principal business of which is the
22 furnishing of food, drinks or lodging to patrons, bowling centers, movie theaters,
23 painting studios, racetrack grounds, as defined in s. 125.27 (5) (a), indoor
24 horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may
25 remain open for the conduct of their regular business but may not sell intoxicating

1 liquor during the closing hours under subd. 1. or, with respect to the sale of
2 intoxicating liquor authorized under s. 125.51 (3r) (a), under subd. 3.”.

3 **3.** Page 3, line 13: after that line insert:

4 **“SECTION 6m. Effective dates.** This act takes effect on the first day of the 3rd
5 month beginning after publication, except as follows:

6 (1) The treatment of s. 71.29 (7) (b) and (10) (a) and (d), the renumbering and
7 amendment of s. 71.365 (4m) (d) 1., the creation of s. 71.365 (4m) (d) 1. a. and b., and
8 SECTION 6 (1) of this act take effect on the day after publication.”.

9 (END)