



## 1997 ASSEMBLY BILL 568

October 17, 1997 - Introduced by Representatives HARSDORF, SYKORA, SERATTI, GUNDERSON, JESKEWITZ, JOHNSRUD, DUFF, GROTHMAN and PLOUFF. Referred to Committee on State Affairs.

- 1     **AN ACT** *to renumber and amend* 125.51 (5) (c) 1.; *to amend* 125.51 (4) (a) 1.;
- 2             and *to create* 125.27 (2) (a) 1. c. and 125.51 (5) (c) 1. c. of the statutes; **relating**
- 3             **to:** permits for the retail sale of alcohol beverages on certain vessels.

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### *Analysis by the Legislative Reference Bureau*

Current law allows the department of revenue (DOR) to issue permits to vessels for the sale of alcohol beverages to be consumed on the vessel where sold. A vessel is eligible for a permit if, in addition to meeting the eligibility requirements required of other applicants for an alcohol beverage retail permit or license, the vessel has a capacity of not less than 100 passengers, or serves food and has a capacity of not less than 40 passengers. The sale of alcohol beverages must be less than 50% of the gross receipts of the vessel. The vessel must leave its place of mooring while alcohol beverages are being sold.

This bill allows DOR to issue permits, for the sale of alcohol beverages to be consumed on the vessel where sold, to a vessel that serves food and is regularly engaged in the business of offering tours by boat on Lake Superior and adjacent bays, the St. Croix River and the Mississippi River, without regard to the percentage of the vessel's gross receipts that come from the sale of alcohol beverages. A permit issued to such a vessel is valid only from May 1 to the following October 1. The vessel must leave its place of mooring while alcohol beverages are being sold, unless the municipality in which the vessel is moored has issued the vessel a license authorizing the sale of alcohol beverages while moored.

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

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

1           **SECTION 1.** 125.27 (2) (a) 1. c. of the statutes is created to read:

2           125.27 (2) (a) 1. c. The vessel serves food; is regularly engaged, on an annual  
3 or seasonal basis, in the business of offering tours by boat on Lake Superior and  
4 adjacent bays, the St. Croix River and the Mississippi River; and is located on one  
5 of those bodies of water. A permit issued under this subd. 1. c. is valid only after April  
6 30 and before October 2. Notwithstanding the requirement under subd. 2. that a  
7 vessel leave its place of mooring while the sale of fermented malt beverages is taking  
8 place, a vessel described under this subd. 1. c. may be at its place of mooring while  
9 the sale of fermented malt beverages is taking place if the municipality in which the  
10 place of mooring is located issues to the permit holder under this subd. 1. c. a Class  
11 “B” license authorizing such sales.

12           **SECTION 2.** 125.51 (4) (a) 1. of the statutes is amended to read:

13           125.51 (4) (a) 1. “License” means a retail “Class B” license issued under sub.  
14 (3) but does not include a “Class B” license issued to wineries under sub. (3) (am) or  
15 a “Class B” license issued to vessels described under s. 125.51 (5) (c) 1. c.

16           **SECTION 3.** 125.51 (5) (c) 1. of the statutes is renumbered 125.51 (5) (c) 1. (intro.)  
17 and amended to read:

18           125.51 (5) (c) 1. (intro.) The department may issue a “Class B” permit to any  
19 person who holds a valid certificate issued under s. 73.03 (50) and who is qualified  
20 under s. 125.04 (5) authorizing the sale of intoxicating liquor for consumption on any

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1 vessel having a regular place of mooring located in any waters of this state as defined  
2 under s. 29.01 (9) and (11) if ~~the~~ any of the following applies:

3 a. ~~The vessel either~~ serves food and has an approved passenger capacity of not  
4 less than 40 individuals and the sale of intoxicating liquor and fermented malt  
5 beverages on the vessel accounts for less than 50% of the gross receipts of all of the  
6 food and beverages served on the vessel ~~or if the~~.

7 b. The vessel has an approved passenger capacity of at least 100 individuals  
8 and the sale of intoxicating liquor and fermented malt beverages on the vessel  
9 accounts for less than 50% of the gross receipts of the vessel.

10 1g. The department may issue ~~the~~ a permit under subd. 1. only if the vessel  
11 leaves its place of mooring while the sale of intoxicating liquor is taking place and  
12 if the vessel fulfills the requirement under ~~par. (c)~~ subd. 1m. A permit issued under  
13 ~~this subdivision~~ subd. 1. also authorizes the permittee to store intoxicating liquor  
14 purchased for sale on the vessel on premises owned or leased by the permittee and  
15 located near the vessel's regular place of mooring. The permittee shall describe on  
16 the permit application under s. 125.04 (3) (a) 3. the premises where the intoxicating  
17 liquor will be stored. The premises shall be open to inspection by the department  
18 upon request.

19 **SECTION 4.** 125.51 (5) (c) 1. c. of the statutes is created to read:

20 125.51 (5) (c) 1. c. The vessel serves food; is regularly engaged, on an annual  
21 or seasonal basis, in the business of offering tours by boat on Lake Superior and  
22 adjacent bays, the St. Croix River and Mississippi River; and is located on one of  
23 those bodies of water. Notwithstanding the requirement under subd. 1g. that a  
24 vessel must leave its place of mooring while the sale of intoxicating liquor is taking  
25 place, a vessel described under this subd. 1. c. may be at its place of mooring while

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**SECTION 4**

1 the sale of intoxicating liquor is taking place if the municipality in which the place  
2 of mooring is located issues to the permit holder under this subd. 1. c. a "Class B"  
3 license authorizing such sales. "Class B" licenses issued under this subd. 1. c. do not  
4 count towards a municipality's quota under sub. (4).

5

(END)