



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa1344/1
ARG:wlj&amn

**SENATE AMENDMENT 7,
TO ASSEMBLY BILL 532**

February 19, 2020 - Offered by Senators LARSON, ERPENBACH, BEWLEY, JOHNSON,
CARPENTER and L. TAYLOR.

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

2 **1.** Page 1, line 4: after “zones” insert “, the issuance by the Department of
3 Revenue of retail alcohol beverage permits for motor vehicle racetrack grounds and
4 for the state fair park, authorizing caterers to make retail sales of alcohol beverages
5 on racetrack grounds, closing hours for certain alcohol beverage retailers, hours for
6 retail sales by brewers.”.

7 **2.** Page 6, line 3: after that line insert:

8 “**SECTION 7c.** 125.07 (3) (a) 17. of the statutes is created to read:

9 125.07 **(3)** (a) 17. Premises for which a Class “B” permit is issued under s.
10 125.27 (5) or a “Class B” permit is issued under s. 125.51 (5) (f).

11 **SECTION 7d.** 125.12 (5) of the statutes is renumbered 125.12 (5) (a) and
12 amended to read:

1 125.12 (5) (a) The department may, after notice and an opportunity for hearing,
2 revoke, suspend, or refuse to renew any retail permit issued by it for the causes
3 provided in sub. (4) and any other permit issued by it under this chapter for any
4 violation of this chapter or ch. 139, except that, for ~~a violation of sub. (4) (ag) 6. with~~
5 ~~respect to a license issued under s. 125.51 (4) (v) or a violation of s. 125.535 or~~
6 139.035, the department shall revoke the license ~~or~~ permit.

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

9 **SECTION 7e.** 125.12 (5) (b) of the statutes is created to read:

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14 racetrack grounds has otherwise rescinded the person's designation.

15 **SECTION 7f.** 125.26 (2v) of the statutes is created to read:

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

1 A caterer that provides fermented malt beverages under this paragraph is subject
2 to s. 125.32 (2) and (3) as if the fermented malt beverages were provided on the
3 caterer's Class "B" licensed premises.

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

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

8 **SECTION 7g.** 125.27 (4) of the statutes is amended to read:

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

1 beverages from the premises covered by the permit to the Ozaukee County
2 fairgrounds for purposes of selling the fermented malt beverages at the Ozaukee
3 County fairgrounds. This subsection does not authorize Ozaukee County or any
4 person operating or managing the Ozaukee County fairgrounds to sell fermented
5 malt beverages at retail or to procure or stock fermented malt beverages for purposes
6 of retail sale. This subsection does not apply to a permit issued under sub. (6).

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

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

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

24 (c) Persons holding a permit under par. (b) may sell beverages containing less
25 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 7i.** 125.27 (6) of the statutes is created to read:

15 125.27 (6) PERMITS FOR STATE FAIR PARK. (a) In this subsection, “vendor” means
16 a person that has entered into a vendor agreement with the state fair park board
17 authorizing the person to sell fermented malt beverages at the state fair park.

18 (b) The department may issue a Class “B” permit to a vendor that holds a valid
19 certificate issued under s. 73.03 (50), that is qualified under s. 125.04 (5) and (6), and
20 that conducts business at the state fair park if the state fair park board has, by
21 resolution, annually applied to the department for the permit. The permit
22 authorizes the retail sale of fermented malt beverages on the premises covered by the
23 permit, for consumption anywhere at the state fair park.

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

1 **SECTION 7j.** 125.32 (3) (c) of the statutes is amended to read:

2 125.32 (3) (c) Hotels and restaurants the principal business of which is the
3 furnishing of food and lodging to patrons, bowling centers, movie theaters, painting
4 studios, indoor golf and baseball facilities, racetrack grounds, as defined in s. 125.27
5 (5) (a), indoor horseshoe-pitching facilities, curling clubs, golf courses and golf
6 clubhouses may remain open for the conduct of their regular business but may not
7 sell fermented malt beverages during the hours specified in par. (a).

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

9 125.32 (3) (e) 1. A brewer holding a permit under s. 125.29 may not sell
10 fermented malt beverages at retail under s. 125.29 (3) (e), or under s. 125.29 (3) (g)
11 for consumption on the premises, or provide taste samples under s. 125.29 (3) (i),
12 during the hours in which a Class “B” licensed premises is required under par. (a) to
13 be closed. Brewery premises may remain open for the conduct of other brewery
14 operations during these hours, but a brewer’s off-site retail outlet may not remain
15 open during these hours.

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

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

21 1.

22 **SECTION 7k.** 125.32 (3m) (k) of the statutes is created to read:

23 125.32 (3m) (k) Premises for which a Class “B” permit is issued under s. 125.27
24 (5).

25 **SECTION 7L.** 125.51 (3) (bv) of the statutes is created to read:

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

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

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

SECTION 7m. 125.51 (5) (b) (title) of the statutes is amended to read:

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

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

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

SECTION 7o. 125.51 (5) (b) 2m. of the statutes is created to read:

1 125.51 (5) (b) 2m. The department may issue a “Class B” permit to a vendor that
2 holds a valid certificate issued under s. 73.03 (50), that is qualified under s. 125.04
3 (5) and (6), and that conducts business at the state fair park if the state fair park
4 board has, by resolution, annually applied to the department for the permit. The
5 permit authorizes the retail sale of intoxicating liquor on the premises covered by the
6 permit, for consumption anywhere at the state fair park.

7 **SECTION 7p.** 125.51 (5) (b) 4. of the statutes is amended to read:

8 125.51 (5) (b) 4. The department may not issue a permit under ~~this paragraph~~
9 subd. 2. to any county or municipality or officer or employee thereof.

10 **SECTION 7q.** 125.51 (5) (e) of the statutes is amended to read:

11 125.51 (5) (e) *Additional sales authority for permittees.* Notwithstanding pars.
12 (a) 2., (b) 3., (c) 3., and (d) 3. and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition
13 to the authorization specified in par. (a), (b), (c), or (d), a “Class B” permit issued
14 under this subsection also authorizes the permittee to provide intoxicating liquor,
15 including its retail sale, at specific locations within the Ozaukee County fairgrounds
16 for consumption at these locations during special events held at the fairgrounds, if
17 the Ozaukee County board adopts a resolution approving the permittee and if the
18 premises covered by the “Class B” permit are located in Ozaukee County.
19 Notwithstanding pars. (a), (b), (c), and (d), a permittee may provide intoxicating
20 liquor under this paragraph at the Ozaukee County fairgrounds even though the
21 Ozaukee County fairgrounds are not part of the premises described in the permit.
22 A permittee that provides intoxicating liquor under this paragraph is subject to s.
23 125.68 (2) as if the intoxicating liquor were provided on the premises covered by the
24 “Class B” permit. This paragraph does not authorize Ozaukee County or any person
25 operating or managing the Ozaukee County fairgrounds to sell intoxicating liquor

1 at retail or to procure or stock intoxicating liquor for purposes of retail sale. This
2 paragraph does not apply to a permit issued under par. (b) 2m.

3 **SECTION 7r.** 125.51 (5) (f) of the statutes is created to read:

4 125.51 **(5)** (f) *Permits for racetrack grounds.* 1. In this paragraph, “racetrack
5 grounds” has the meaning given in s. 125.27 (5) (a).

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

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

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

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

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

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

6 **SECTION 7s.** 125.68 (4) (c) 4. of the statutes is amended to read:

7 125.68 (4) (c) 4. Hotels and restaurants the principal business of which is the
8 furnishing of food, drinks or lodging to patrons, bowling centers, movie theaters,
9 painting studios, racetrack grounds, as defined in s. 125.27 (5) (a), indoor
10 horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may
11 remain open for the conduct of their regular business but may not sell intoxicating
12 liquor during the closing hours under subd. 1. or, with respect to the sale of
13 intoxicating liquor authorized under s. 125.51 (3r) (a), under subd. 3.

14 **SECTION 7t.** 125.68 (4) (d) of the statutes is created to read:

15 125.68 (4) (d) *Brewers.* 1. A brewer holding a permit under s. 125.29 may not
16 sell intoxicating liquor at retail under s. 125.29 (3) (h) during the hours in which a
17 “Class B” licensed premises is required under par. (c) 1. to be closed. Brewery
18 premises may remain open for the conduct of other brewery operations during these
19 hours, but a brewer’s off-site retail outlet may not remain open during these hours.

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

1 **SECTION 7u. Nonstatutory provisions.**

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

4 (a) In this subsection:

5 1. “Municipality” has the meaning given in s. 125.02 (11).

6 2. “Restaurant” has the meaning given in s. 125.02 (18).

7 (b) 1. In this paragraph, “licensed restaurant or tavern” means premises
8 operating as a restaurant or tavern under a Class “B” license.

9 2. Notwithstanding s. 125.32 (3) (a), but subject to subd. 4., from July 13 to July
10 17, 2020, the closing hours for a licensed restaurant or tavern shall be between 4 a.m.
11 and 6 a.m. if the municipality that issued the license has authorized this extended
12 closing hour as provided in subd. 3.

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

16 4. Notwithstanding s. 125.32 (3) (d), a municipality may, by ordinance adopted
17 after the effective date of this subdivision, opt out of subd. 2. and retain from July
18 13 to July 17, 2020, the closing hours specified in s. 125.32 (3) (a).

19 (c) 1. In this paragraph, “licensed restaurant or tavern” means premises
20 operating as a restaurant or tavern under a “Class B” or “Class C” license.

21 2. Notwithstanding s. 125.68 (4) (c) 1., but subject to subd. 4., from July 13 to
22 July 17, 2020, the closing hours for a licensed restaurant or tavern shall be between
23 4 a.m. and 6 a.m. if the municipality that issued the license has authorized this
24 extended closing hour as provided in subd. 3.

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

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

7 (d) 1. Notwithstanding ss. 125.32 (3) (e) and 125.68 (4) (d), from July 13 to July
8 17, 2020, the closing hours for a brewer's off-site retail outlet, and the hours during
9 which a brewer may not sell fermented malt beverages or intoxicating liquor at retail
10 on the brewery premises, shall be the same as the closing hours applicable to,
11 respectively, Class "B" licensees under par. (b) and "Class B" and "Class C" licensees
12 under par. (c) that are located in the same municipality.

13 2. If a municipality establishes a process under par. (b) 3. or (c) 3. to authorize
14 extended closing hours for Class "B" licensees or "Class B" and "Class C" licensees,
15 the municipality shall use the same process, and apply the same standards, to
16 authorize, upon application, extended hours for brewers under subd. 1. with respect
17 to brewery premises or the brewer's off-site retail outlet located within that
18 municipality.".

19 **3.** Page 6, line 5: after that line insert:

20 **"SECTION 9m. Effective dates.** This act takes effect on the first day of the 3rd
21 month beginning publication, except as follows:

22 (1) The treatment of ss. 71.01 (13), 71.05 (8) (b) 1. and (25m), 71.26 (3) (vm),
23 71.34 (1k) (p), 71.45 (2) (a) 21., 71.83 (1) (e), 125.27 (4) and (6), and 125.51 (5) (b)

1 (title), 1. f., 2m., and 4. and (e) and SECTION 7u of this act take effect on the day after
2 publication.”.

3 (END)