



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5495/2
ARG:all

2019 ASSEMBLY BILL 869

February 10, 2020 - Introduced by Representatives SWEARINGEN, KUGLITSCH, VORPAGEL, SCHRAA, LOUDENBECK, SUMMERFIELD, FIELDS, HAYWOOD and SINICKI. Referred to Committee on State Affairs.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 125.12 (5); *to amend* 125.27 (4), 125.32 (3)
2 (c), 125.51 (5) (b) (title), 125.51 (5) (b) 4., 125.51 (5) (e), 125.68 (4) (c) 3m. and
3 125.68 (4) (c) 4.; and *to create* 125.07 (3) (a) 17., 125.12 (5) (b), 125.20, 125.26
4 (2v), 125.27 (5), 125.27 (6), 125.32 (3) (e), 125.32 (3m) (k), 125.51 (3) (bv), 125.51
5 (5) (b) 1. f., 125.51 (5) (b) 2m., 125.51 (5) (f) and 125.68 (4) (d) of the statutes;
6 **relating to:** creating a private event venue permit issued by the Department
7 of Revenue; the issuance by the Department of Revenue of retail alcohol
8 beverage permits for motor vehicle racetrack grounds and for the state fair
9 park; authorizing caterers to make retail sales of alcohol beverages on
10 racetrack grounds; closing hours for certain alcohol beverage retailers and
11 wineries and hours for retail sales by brewers; and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill creates a private event venue permit issued by the Department of Revenue and generally prohibits the rental or lease of property for private events at which fermented malt beverages (beer) or intoxicating liquor, which includes wine and distilled spirits, is consumed without this permit. This bill also authorizes DOR

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to issue retail alcohol beverage permits for motor vehicle racetrack grounds and for the state fair park. This bill authorizes caterers to make retail sales of alcohol beverages on racetrack grounds. The bill further establishes hours during which brewers may not make retail sales of alcohol beverages and makes changes relating to the retail sales hours of wineries. This bill also creates an exception allowing municipalities to authorize extended closing hours for alcohol beverage retailers, wineries, and brewers during the time that the 2020 Democratic National Convention is held in Milwaukee.

Private event venue permits

Under this bill, DOR may issue to property owners private event venue permits that authorize the permittee to rent or lease property for use as a venue for a private event at which beer or intoxicating liquor is consumed. A permit does not authorize the sale of any alcohol beverages, but the host of the event may possess and consume, and allow the possession and consumption by others, on the premises, of beer and intoxicating liquor purchased from a retailer rather than a wholesaler. Upon the conclusion of the event, the host may remove from the premises any remaining beer and intoxicating liquor that is in an unopened, original container. The premises covered by the permit may not remain open during hours in which Class "B" and "Class B" retail licensed premises must be closed. Requirements applicable to Class "B" and "Class B" retail licensees and licensed premises otherwise apply to private event venue permittees and premises covered by these permits, including the requirements that operations on the premises are supervised by a licensed bartender and that unaccompanied underage persons not be allowed on the premises. An applicant for a private event venue permit must provide proof of liability insurance and a permit may not be issued for property covered by another alcohol beverages license or permit.

With exceptions, the bill prohibits a person from renting or leasing property to another for use as a venue for a private event at which beer or intoxicating liquor is consumed unless the person holds a private event venue permit and consumption of the beer or intoxicating liquor occurs on the premises covered by this permit. The bill provides exceptions to this prohibition for certain types of property, including property covered by an alcohol beverages license or permit; hotel rooms and vacation rental property; property used primarily for parking; certain property used in connection with professional football or baseball games or amateur sporting events; and property used by a nonprofit organization.

New retail permits issued by DOR

Under current law, with limited exceptions, no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. Municipalities may issue retail Class "B" licenses authorizing the sale of beer, and retail "Class B" licenses authorizing the sale of intoxicating liquor, to consumers. Under certain circumstances, DOR may issue retail Class "B" and "Class B" permits authorizing the retail sale of beer and intoxicating liquor to consumers.

This bill also authorizes DOR to issue retail Class "B" and "Class B" permits for racetrack grounds. The bill defines "racetrack grounds" as property consisting of at least 300 acres containing a motor vehicle racetrack at least four miles in length

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capable of hosting professional racing events, and includes any building or other structure on this property associated with the racetrack or with services provided in connection with events held at the racetrack. Under the bill, DOR may issue Class “B” and “Class B” permits, for locations within racetrack grounds, to the owner or operator of the racetrack grounds or to any person designated by the owner or operator of the racetrack grounds to operate premises located within the racetrack grounds. Class “B” and “Class B” permits issued by DOR for racetrack grounds authorize the retail sale of beer and intoxicating liquor at the location within the racetrack grounds specified in the permit, for possession and consumption anywhere within the racetrack grounds. Class “B” and “Class B” permits do not authorize the sale of beer and intoxicating liquor for consumption away from the racetrack grounds and do not authorize the sale of beer and intoxicating liquor at any designated camping area on racetrack grounds while the area is in use for camping. The bill contains an exception allowing underage persons to be present on those locations at racetrack grounds for which Class “B” or “Class B” permits are issued.

This bill allows DOR to issue Class “B” and “Class B” permits to vendors authorizing the retail sale of beer and intoxicating liquor at the state fair park if the State Fair Park Board has, by resolution, annually applied to DOR for the permit. Under the bill, a “vendor” is a person that has entered into a vendor agreement with the State Fair Park Board authorizing the person to sell alcohol beverages at the state fair park.

Retail sales by caterers off licensed premises

Current law generally requires a retail licensee to make retail sales of alcohol beverages only in a face-to-face transaction on the retail licensed premises, although the retail licensee may thereafter deliver and serve the alcohol beverages at another location. An exception allows a caterer to make retail sales off its licensed premises during a special event held at the National Railroad Museum in Green Bay or at the Heritage Hill State Park, if no retail license has been issued for this museum or park. A “caterer” is defined as a person who holds a restaurant license and who is in the business of preparing food and transporting it for consumption at gatherings, meetings, or events if the sale of food at each gathering, meeting, or event accounts for greater than 50 percent of the gross receipts of all of the food and beverages served at the gathering, meeting, or event.

This bill allows a caterer to make retail sales of alcohol beverages off its licensed premises on racetrack grounds, except at a designated camping area while the area is in use for camping and except on premises for which DOR has issued a retail permit for the racetrack grounds.

Closing hours for certain retailers

Under current law, with limited exceptions, no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. A Class “B” license authorizes the retail sale of beer for consumption on or off the premises. Except when issued to a winery, a “Class B” license authorizes the retail sale of intoxicating liquor, which includes wine and distilled spirits, for consumption on the licensed premises and, subject to restrictions, the retail sale of intoxicating liquor in original packages for consumption off the licensed premises.

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Class “B” and “Class B” licenses are often issued together for restaurants and taverns. A “Class C” license, which may be issued only for a restaurant, authorizes the retail sale of wine for consumption on the premises. A retailer operating under a Class “B,” “Class B,” or “Class C” license may not remain open between the hours of 2 a.m. and 6 a.m. on weekdays or between 2:30 a.m. and 6 a.m. on Saturday and Sunday, and a municipality may not impose different closing hours by ordinance. However, there is no closing hour on January 1 for Class “B” and “Class B” licensed retailers. The hours during which a Class “B” or “Class B” licensed retailer may make sales for off-premises consumption are more limited, with these sales prohibited from midnight to 6 a.m., although a municipality may, by ordinance, impose more restrictive hours for these sales.

This bill creates a closing hour exception that may be available for Class “B,” “Class B,” and “Class C” licensees. Under the bill, from July 13 to July 17, 2020, the closing hour for a Class “B,” “Class B,” or “Class C” licensee is 4 a.m. if the municipality issuing the license authorizes, upon application, the extended closing hour. Alternatively, a municipality may, by ordinance, opt out and retain the regular, unextended closing hour for all licensees. This bill does not affect the hours during which a Class “B” or “Class B” licensee may make sales for off-premises consumption.

Retail closing hours for wineries

Current law allows a winery to hold a retail “Class B” license, but, unlike other “Class B” licenses, a winery’s “Class B” license authorizes only the sale of wine. A winery operating under a retail “Class B” license may not remain open for retail sales of wine between the hours of 9 p.m. and 8 a.m.

This bill changes the closing hour for wineries operating under a “Class B” license from 9 p.m. to midnight, but allows municipalities to establish, by ordinance, more restrictive closing hours for these wineries. From July 13 to July 17, 2020, a winery is eligible for extended closing hours to the same extent applicable for other “Class B” licensees within the same municipality.

Brewer hours of sale

Current law allows a brewer holding a brewer’s permit to sell at retail, without a retail license, beer for consumption on or off the brewery premises or the brewer’s off-site retail outlet. If the brewer held an intoxicating liquor license on June 1, 2011, the brewer may also sell at retail, without a retail license, intoxicating liquor for consumption on the brewery premises or the brewer’s off-site retail outlet. Current law does not specify permissible hours of sale for these retail sales by a brewer.

This bill prohibits a brewer from making retail sales of beer and intoxicating liquor during hours in which a Class “B” or “Class B” licensed premises must be closed. As with a Class “B” or “Class B” licensee, a municipality may not impose more restrictive hours for retail sales for on-premises consumption but may impose more restrictive hours for retail sales for off-premises consumption. From July 13 to July 17, 2020, a brewer is eligible for the same extended closing hours applicable to Class “B,” “Class B,” and “Class C” licensees if the municipality has elected to extend closing hours for these retail licensees.

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Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the *state and local* 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.** 125.07 (3) (a) 17. of the statutes is created to read:

2 125.07 (3) (a) 17. Premises for which a Class “B” permit is issued under s.
3 125.27 (5) or a “Class B” permit is issued under s. 125.51 (5) (f).

4 **SECTION 2.** 125.12 (5) of the statutes is renumbered 125.12 (5) (a) and amended
5 to read:

6 125.12 (5) (a) The department may, after notice and an opportunity for hearing,
7 revoke, suspend, or refuse to renew any retail permit issued by it for the causes
8 provided in sub. (4) and any other permit issued by it under this chapter for any
9 violation of this chapter or ch. 139, except that, for ~~a violation of sub. (4) (ag) 6. with~~
10 ~~respect to a license issued under s. 125.51 (4) (v) or a violation of s. 125.535 or~~
11 139.035, the department shall revoke the license ~~or~~ permit.

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

14 **SECTION 3.** 125.12 (5) (b) of the statutes is created to read:

15 125.12 (5) (b) The department may, after notice and an opportunity for hearing,
16 revoke any permit issued under s. 125.27 (5) or 125.51 (5) (f) to a person designated
17 by the owner or operator of racetrack grounds as provided in s. 125.27 (5) (b) or 125.51
18 (5) (f) 2. if the person’s designation has terminated or the owner or operator of the
19 racetrack grounds has otherwise rescinded the person’s designation.

ASSEMBLY BILL 869**SECTION 4**

1 **SECTION 4.** 125.20 of the statutes is created to read:

2 **125.20 Private event venue permit; prohibition. (1) PERMIT ISSUANCE.** (a)

3 The department may issue to property owners private event venue permits that
4 authorize the permittee to rent or lease real property for use as a venue for a private
5 event at which fermented malt beverages or intoxicating liquor is consumed.

6 (b) A private event venue permit may be issued only to a person who holds a
7 valid certificate issued under s. 73.03 (50) and is qualified under s. 125.04 (5), except
8 a person acting as an agent for or in the employ of another.

9 (c) A private event venue permit may not be issued to a person unless the person
10 has provided to the department proof of liability insurance covering the premises for
11 which the permit is issued.

12 (d) A permit may not be issued under this section for premises that are covered
13 by any other license or permit under this chapter, but a caterer holding a Class “B”
14 or “Class B” license may deliver fermented malt beverages or intoxicating liquor to
15 premises described in a permit under this section and may provide services in
16 conjunction with the delivery.

17 (e) The annual fee for a permit issued under this section shall be \$750.

18 **(2) OPERATIONAL REQUIREMENTS.** All provisions of this chapter applying to Class
19 “B” and “Class B” licenses and licensees apply to private event venue permits and
20 permittees, except as follows:

21 (a) A permit issued under this section does not authorize the sale of any alcohol
22 beverages.

23 (b) The host of an event held on premises covered by a permit issued under this
24 section may possess and consume, and allow the possession and consumption by
25 others, on the premises, of fermented malt beverages and intoxicating liquor

ASSEMBLY BILL 869**SECTION 4**

1 purchased from a retail licensee or permittee rather than a wholesaler. Upon the
2 conclusion of an event, the host may remove from the premises any remaining
3 fermented malt beverages and intoxicating liquor that is in an unopened, original
4 container.

5 (c) No premises for which a permit under this section is issued may remain open
6 between the hours of 2 a.m. and 6 a.m. On January 1 premises operating under a
7 permit under this section are not required to close. On Saturday and Sunday, no such
8 premises may remain open between 2:30 a.m. and 6 a.m. except that, on the Sunday
9 that daylight saving time begins as specified in s. 175.095 (2), no such premises may
10 remain open between 3:30 a.m. and 6 a.m.

11 **(3) PROHIBITION.** (a) No person may rent or lease real property to another for
12 use as a venue for a private event at which fermented malt beverages or intoxicating
13 liquor is consumed unless the person holds a permit issued under this section and
14 consumption of the fermented malt beverages or intoxicating liquor occurs on the
15 premises covered by the permit.

16 (b) This subsection does not apply to any of the following:

17 1. A room in a hotel, motel, or bed and breakfast that is used for overnight
18 accommodations.

19 2. Vacation rental property, or any other property of temporary lodging, that
20 is used for overnight accommodations if the property is furnished with sufficient beds
21 for all adult guests to sleep.

22 3. A campsite on a campground licensed under s. 97.67.

23 4. Property used primarily for parking.

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1 5. Property within a local professional football stadium district created under
2 subch. IV of ch. 229 if the property is used in connection with, and on the same day
3 as, a professional football game held at the football stadium.

4 6. Property within a local professional baseball park district created under
5 subch. III of ch. 229 if the property is used in connection with, and on the same day
6 as, a professional baseball game held at the baseball park.

7 7. Property used in connection with an amateur sporting event held on a
8 campus of the University of Wisconsin System, or at a sports arena, as defined in s.
9 101.123 (1) (hm), having a seating capacity of at least 1,000 persons, if the property
10 is primarily used immediately before or immediately after the amateur sporting
11 event rather than during the amateur sporting event.

12 8. Property used by a nonprofit organization, as defined in s. 134.695 (1) (am),
13 or property that such a nonprofit organization owns, rents, or leases.

14 9. Property covered by a license or permit issued under this chapter.

15 (c) The penalty under s. 125.04 (13) shall apply to a violation of this subsection.

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

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

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1 are not located within the municipality that issued the caterer's Class "B" license.
2 A caterer that provides fermented malt beverages under this paragraph is subject
3 to s. 125.32 (2) and (3) as if the fermented malt beverages were provided on the
4 caterer's Class "B" licensed premises.

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

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

9 **SECTION 6.** 125.27 (4) of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

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

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

16 **SECTION 8.** 125.27 (6) of the statutes is created to read:

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

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

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

3 **SECTION 9.** 125.32 (3) (c) of the statutes is amended to read:

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

10 **SECTION 10.** 125.32 (3) (e) of the statutes is created to read:

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

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

21 3. A municipality may, by ordinance, impose more restrictive hours than those
22 provided in subd. 2., but may not impose different hours than those provided in subd.
23 1.

24 **SECTION 11.** 125.32 (3m) (k) of the statutes is created to read:

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1 125.32 **(3m)** (k) Premises for which a Class “B” permit is issued under s. 125.27
2 (5).

3 **SECTION 12.** 125.51 (3) (bv) of the statutes is created to read:

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

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

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

21 **SECTION 13.** 125.51 (5) (b) (title) of the statutes is amended to read:

22 125.51 **(5)** (b) (title) *Public facilities ~~and~~, airports, and state fair park.*

23 **SECTION 14.** 125.51 (5) (b) 1. f. of the statutes is created to read:

ASSEMBLY BILL 869**SECTION 14**

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

4 **SECTION 15.** 125.51 (5) (b) 2m. of the statutes is created to read:

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

11 **SECTION 16.** 125.51 (5) (b) 4. of the statutes is amended to read:

12 125.51 (5) (b) 4. The department may not issue a permit under ~~this paragraph~~
13 subd. 2. to any county or municipality or officer or employee thereof.

14 **SECTION 17.** 125.51 (5) (e) of the statutes is amended to read:

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

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1 A permittee that provides intoxicating liquor under this paragraph is subject to s.
2 125.68 (2) as if the intoxicating liquor were provided on the premises covered by the
3 “Class B” permit. This paragraph does not authorize Ozaukee County or any person
4 operating or managing the Ozaukee County fairgrounds to sell intoxicating liquor
5 at retail or to procure or stock intoxicating liquor for purposes of retail sale. This
6 paragraph does not apply to a permit issued under par. (b) 2m.

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

8 125.51 (5) (f) *Permits for racetrack grounds.* 1. In this paragraph, “racetrack
9 grounds” has the meaning given in s. 125.27 (5) (a).

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

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

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

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

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

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

9 **SECTION 19.** 125.68 (4) (c) 3m. of the statutes is amended to read:

10 125.68 (4) (c) 3m. No premises for which a "Class B" license has been issued
11 under s. 125.51 (3) (am) may remain open for the sale of intoxicating liquor between
12 the hours of ~~9 p.m.~~ 12 midnight and 8 a.m. A municipality may, by ordinance, impose
13 more restrictive hours than are provided in this subdivision.

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

15 125.68 (4) (c) 4. Hotels and restaurants the principal business of which is the
16 furnishing of food, drinks or lodging to patrons, bowling centers, movie theaters,
17 painting studios, racetrack grounds, as defined in s. 125.27 (5) (a), indoor
18 horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may
19 remain open for the conduct of their regular business but may not sell intoxicating
20 liquor during the closing hours under subd. 1. or, with respect to the sale of
21 intoxicating liquor authorized under s. 125.51 (3r) (a), under subd. 3.

22 **SECTION 21.** 125.68 (4) (d) of the statutes is created to read:

23 125.68 (4) (d) *Brewers.* 1. A brewer holding a permit under s. 125.29 may not
24 sell intoxicating liquor at retail under s. 125.29 (3) (h) during the hours in which a
25 "Class B" licensed premises is required under par. (c) 1. to be closed. Brewery

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1 premises may remain open for the conduct of other brewery operations during these
2 hours, but a brewer's off-site retail outlet may not remain open during these hours.

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

5 **SECTION 22. Nonstatutory provisions.**

6 (1) CLOSING HOURS EXCEPTION FOR CERTAIN ALCOHOL BEVERAGE RETAILERS AND
7 BREWERS DURING THE DEMOCRATIC NATIONAL CONVENTION IN MILWAUKEE.

8 (a) In this subsection:

9 1. "Brewer" means a person holding a brewer's permit under s. 125.29.

10 2. "Municipality" has the meaning given in s. 125.02 (11).

11 (b) 1. Notwithstanding s. 125.32 (3) (a), but subject to subd. 3., from July 13 to
12 July 17, 2020, the closing hours for Class "B" licensed premises shall be between 4
13 a.m. and 6 a.m. if the municipality that issued the license has authorized this
14 extended closing hour as provided in subd. 2.

15 2. A municipality may establish a process to authorize, and may upon
16 application so authorize, the extended closing hour under subd. 1. for any Class "B"
17 licensed premises within the municipality.

18 3. Notwithstanding s. 125.32 (3) (d), a municipality may, by ordinance adopted
19 after the effective date of this subdivision, opt out of subd. 1. and retain from July
20 13 to July 17, 2020, the closing hours specified in s. 125.32 (3) (a).

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

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1 2. A municipality may establish a process to authorize, and may upon
2 application so authorize, the extended closing hour under subd. 1. for any “Class B”
3 or “Class C” licensed premises within the municipality.

4 3. 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. 1. and retain from
6 July 13 to July 17, 2020, the closing hours specified in s. 125.68 (4) (c) 1. and 3m.

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) 2. or (c) 2. 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 **SECTION 23. Effective dates.** This act takes effect on the first day of the 3rd
20 month beginning publication, except as follows:

21 (1) The treatment of s. 125.20 (title), (1), and (2) takes effect on July 1, 2020,
22 or on the day after publication, whichever is later.

23 (2) The treatment of s. 125.20 (3) takes effect on August 1, 2020, or on the 31st
24 day after publication, whichever is later.

