



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 8

**Assembly Substitute
Amendment 2**

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Recalled Enrolled Assembly Bill 8

The recalled Enrolled Assembly Bill 8 (the bill), creates an exception to the quota on “Class B” licenses for the retail sale of intoxicating liquor for consumption on retail premises.

Current law places a quota on the number of “Class B” licenses that a municipality may issue. There is a quota exception for a full-service restaurant with a seating capacity of 300 or more persons. The statutes do not define what a full-service restaurant means. Current law also allows municipalities to establish an annual fee between \$50 and \$500 for a “Class B” license, except for the initial issuance fee for reserve “Class B” licenses, which may not be less than \$10,000.

The bill creates an exception to the quota by allowing a municipality to issue a “Class B” license within roughly three months after the effective date of the bill, regardless of whether the municipality has issued a number of licenses equal or greater than its quota if all of the following apply:

- The license is given to a full-service restaurant having a seating capacity of 75 to 100 persons on the effective date of the bill.
- The full-service restaurant is located in a commercial building and is on a golf course, excluding miniature golf courses.
- The full-service restaurant prepares, serves, and sells food to the public; has a separate dining area with permanent fixtures where table service is provided a minimum of four nights per week for a minimum of six months per year; and generates more than 50% of total annual sales revenue from food sales.
- The full-service restaurant is in a municipality located in Bayfield County, with a population size of at least 1,000 but not more than 1,300.

- The license issued under this quota exception may not be reissued if it was surrendered, not renewed, or revoked.

Assembly Substitute Amendment 2

Assembly Substitute Amendment 2 (ASA 2) amends the population size of the municipality within Bayfield County, where the full-service restaurant must be located in order for the quota section to apply. The population size under ASA 2 is at least 400 to 500, rather than at least 1,000 but not more than 1,300.

Legislative History

On June 23, 2009, the Assembly passed the original version of Assembly Bill 8, as amended, by Assembly Substitute Amendment 1 and Assembly Amendment 2 to Assembly Substitute Amendment 1, by a voice vote.

On September 22, 2009, the proposal was concurred in the Senate. The bill was enrolled on September 25, 2009.

On October 20, 2009, Enrolled Assembly Bill 8 was recalled pursuant to Assembly Joint Resolution 78. ASA 2 was offered by Representative Sherman and adopted by the Assembly on a voice vote. The Assembly then passed Assembly Bill 8, as amended by ASA 2, by a voice vote.

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