

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB8)

Received: **05/04/2009**

Received By: **agary**

Wanted: **Today**

Identical to LRB:

For: **Gary Sherman (608) 266-7690**

By/Representing: **Judy Kelly**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Beverages**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Sherman@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

No specific topic given

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

<END>

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Pre Topic:

No specific pre topic given

Topic:

Intoxicating liquor retail license quota exception for certain golf course restaurants

Instructions:

See attached

Drafting History:

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/?	agary	1 cjs	5/5 09 ph	5/5 ph	5/5 ph/MD		
FE Sent For:							
<END>							

Gary, Aaron

From: Kelly, Judy
Sent: Monday, May 04, 2009 1:04 PM
To: Gary, Aaron
Subject: FW: AB 8

Aaron, This is the information for the amendment to AB8 from the Tavern League. There are 2 parts to it so it's really 2 amendments; we think it might be best to make it a substitute amendment. As I said in the message I left, I have a couple of questions.

From: Scott Stenger [mailto:scott@stengergov.com]
Sent: Monday, May 04, 2009 12:24 PM
To: Kelly, Judy
Subject: RE: AB 8

1) Amend the bill to only apply to a golf course located in Iron County in a municipality with a population of at least 1000 but not more than 1300 and sunset the provision on August 1, 2009. I will get back to you today regarding the TLW position on the bill thanks

2) Definition of restaurant -

Commercial building that prepares, serves and sells food to the public. Must have separate dining area with permanent fixtures and table service. Dining area must operate a minimum of four nights a week and six months per year. Food sales must account for over 50% of total sales.

Scott Stenger

Stenger Government Relations, LLC
44 East Mifflin Street Suite 600
Madison, WI 53703
Phone: 608-287-0403
Fax: 608-287-0414

8:30 AM →

• sub →
• seating capacity as of the effective date of the bill →

• sunset: make it non-transferable, → but renewable
• like ~~par. (w)~~ par. (w) →
• but ok if it can't be transferred if business is sold

2009 - 2010 LEGISLATURE

Now wanted
S/S by
8:30 AM
From LRB-1079/1
SC056/1
LRB-1079/1
ARG: wj: jf cjs

Assembly Substitute Amendment,
To **2009 ASSEMBLY BILL 8**

RMNR

in 5/4 - night

January 27, 2009 - Introduced by Representative SHERMAN. Referred to Committee on Urban and Local Affairs.

Good list SA ✓

Reger Cart

- 1 AN ACT *to amend* 125.51 (3) (e) 3.; and *to create* 125.51 (4) (v) 4. of the statutes;
- 2 **relating to:** municipal quotas for retail intoxicating liquor licenses.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from selling alcohol beverages at retail unless the seller possesses a license or permit authorizing the sale. A "Class B" license authorizes the retail sale of intoxicating liquor for consumption on the retail premises and, subject to various restrictions, the retail sale of intoxicating liquor in original packages for consumption off the retail premises. Current law imposes a quota on the number of "Class B" licenses that a municipality may issue. This quota is generally determined by a formula based on the number of licenses previously issued by the municipality and the municipality's population. Current law provides a quota exception for a full-service restaurant that has a seating capacity of 300 or more persons.

Under current law, each municipality establishes an annual fee, which generally must be between \$50 and \$500, for a "Class B" license, except that the fee for initial issuance of a reserve "Class B" license (generally one first issued after December 1, 1997) may not be less than \$10,000. Current law does not specify a minimum or maximum initial issuance fee or annual fee for "Class B" licenses issued under any quota exception.

Insert ANAL

This bill creates a quota exception for any full-service restaurant that has a seating capacity of 75 to 100 persons and that is located on a golf course. A municipality may not establish an initial issuance fee or an annual fee for a "Class B" license issued under this exception that exceeds \$500.

ASSEMBLY BILL 8

For further information see the *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~~[#]. 125.51 (3) (e) 3. of the statutes is amended to read:

2 125.51 (3) (e) 3. Each municipal governing body shall establish the annual fee
3 for a "Class B" license issued under sub. (4) (v), except that neither the fee for an
4 initial issuance of, nor the annual fee for, a "Class B" license issued under sub. (4) (v)
5 4. may exceed any fee established under subd. 1. The initial fee may be different from
6 the annual fee to renew the license.

7 SECTION 2. 125.51 (4) (v) ⁴. of the statutes is created to read:

8 125.51 (4) (v) 4. A full-service restaurant that has a seating capacity of 75 to
9 100 persons, and that is located on a golf course.

(END)

Insert 2-1

Insert 2-9A

insert 2-9B

X

X

1

INSERT ANAL:

This substitute amendment creates a quota exception for any full-service restaurant that has a seating capacity of 75 to 100 persons and that is located on a golf course in a municipality, in Iron County, having a population of at least 1,000 but not more than 1,300. Certain special provisions apply to a "Class B" license issued under this exception: 1) A municipality may not establish an initial issuance fee or an annual fee for the license that exceeds \$500; 2) The license must be issued within approximately three months after the effective date of the act; and 3) If the license is surrendered, not renewed, or revoked, the issuing municipality may not reissue the license. The substitute amendment also defines, for purposes of this quota exception and another quota exception under current law, "full-service restaurant" as an establishment that is located in a commercial building; 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 percent of total sales revenue from food sales.

2

3

INSERT 2-1:

4

SECTION 1. 125.02 (6g) of the statutes is created to read:

5

125.02 (6g) "Full-service restaurant" means an establishment that satisfies

6

all of the following:

7

(a) Is located in a commercial building.

8

(b) Prepares, serves, and sells food to the public.

9

(c) Has a separate dining area with permanent fixtures where table service is

10

provided a minimum of 4 nights per week for a minimum of 6 months per year.

11

(d) Generates more than 50 percent of total sales revenue from food sales.

12

13

INSERT 2-9 A:

14

(no P) on the effective date of this subdivision [LRB inserts date],

15

1 **INSERT 2-9 B:**

2 (~~no P~~) in a municipality, in Iron County, having a population of at least 1,000 but not
3 more than 1,300. For purposes of this subdivision, "golf course" does not include a
4 miniature golf course. No "Class B" license may be issued under this subdivision
5 after the first day of the 4th month beginning after the effective date of this
6 subdivision [LRB inserts date]. If a "Class B" license issued under this subdivision
7 is surrendered to the issuing municipality, not renewed, or revoked, the municipality
8 may not reissue the license. ✓

Barman, Mike

From: Barman, Mike
Sent: Tuesday, May 05, 2009 8:37 AM
To: Kelly, Judy
Cc: Rep.Sherman
Subject: LRB 09s0056/1 (attached) (requested by Judy)

Attachments: 09s0056/1



09s00561.pdf (24
KB)

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