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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**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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