

ASSEMBLY BILL 8 (LRB -1079)

An Act to amend 125.51 (3) (e) 3.; and to create 125.51 (4) (v) 4. of the statutes; relating to: municipal quotas for retail intoxicating liquor licenses. (FE)

2009

01-27.	A.	Introduced by Representative Sherman .	
01-27.	A.	Read first time and referred to committee on Urban and Local Affairs	35
02-23.	A.	Fiscal estimate received.	
03-06.	A.	Assembly amendment 1 offered by Representative Sherman (LRB a0098)	97
03-10.	A.	Public hearing held.	
05-05.	A.	Executive action taken.	
05-05.	A.	Assembly substitute amendment 1 offered by committee on Urban and Local Affairs (LRB s0056)	172
05-08.	A.	Report Assembly Substitute Amendment 1 adoption recommended by committee on Urban and Local Affairs, Ayes 7, Noes 1	174
05-08.	A.	Report passage as amended recommended by committee on Urban and Local Affairs, Ayes 7, Noes 1	174
05-08.	A.	Referred to committee on Rules	174
05-13.	A.	Assembly amendment 1 to Assembly substitute amendment 1 offered by Representative Sherman (LRB a0378)	179
06-18.	A.	Placed on calendar 6-23-2009 by committee on Rules.	
06-22.	A.	Assembly amendment 2 to Assembly substitute amendment 1 offered by Representative Sherman (LRB a0550)	280
06-23.	A.	Read a second time	282
06-23.	A.	Assembly amendment 1 to Assembly substitute amendment 1 withdrawn and returned to author	282
06-23.	A.	Assembly amendment 2 to Assembly substitute amendment 1 adopted	282
06-23.	A.	Assembly substitute amendment 1 adopted	282
06-23.	A.	Ordered to a third reading	282
06-23.	A.	Rules suspended	282
06-23.	A.	Read a third time and passed	282
06-23.	A.	Ordered immediately messaged	282
06-23.	S.	Received from Assembly	223
06-25.	S.	Read first time and referred to committee on Transportation, Tourism, Forestry, and Natural Resources	230
07-16.	S.	Public hearing held.	
09-03.	S.	Executive action taken.	
09-03.	S.	Report concurrence recommended by committee on Transportation, Tourism, Forestry, and Natural Resources, Ayes 6, Noes 1	274
09-03.	S.	Available for scheduling.	
09-16.	S.	Placed on calendar 9-22-2009 by committee on Senate Organization	308
09-22.	S.	Senator Taylor added as a cosponsor	315
09-22.	S.	Read a second time	319
09-22.	S.	Ordered to a third reading	319
09-22.	S.	Rules suspended	319
09-22.	S.	Read a third time and concurred in	319
09-22.	S.	Senator Jauch added as a cosponsor	315
09-22.	S.	Ordered immediately messaged	320
09-22.	A.	Received from Senate concurred in	408
09-25.	A.	Report correctly enrolled	414
10-20.	A.	Recalled Enrolled Assembly Bill 8 pursuant to Assembly Joint Resolution 78	442
10-20.	A.	Refer to calendar	442
10-20.	A.	Assembly substitute amendment 2 offered by Representative Sherman (LRB s0151)	442
10-20.	A.	Read a second time	442
10-20.	A.	Assembly substitute amendment 2 adopted	442
10-20.	A.	Ordered to a third reading	442
10-20.	A.	Rules suspended	442
10-20.	A.	Read a third time and passed	442
10-20.	A.	Ordered immediately messaged	442
10-20.	S.	Received from Assembly	374
10-21.	S.	Read first time and referred to committee on Senate Organization	375
10-21.	S.	Available for scheduling.	
10-23.	S.	Placed on calendar 10-27-2009 by committee on Senate Organization	1
10-27.	S.	Read a second time.	
10-27.	S.	Ordered to a third reading.	
10-27.	S.	Rules suspended.	

JP

- 10-27. S. Read a third time and **concurred in.**
- 10-27. S. Ordered immediately messaged.
- 10-27. A. Received from Senate concurred in.

2009
ENROLLED BILL

09en A B-8

ADOPTED DOCUMENTS:

Orig

Engr

A SubAmdt 2

09 S015111

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

10-28-09
Date

JR Miller
Enrolling Drafter



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0151/1
ARG:cjs:jf

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2009 ASSEMBLY BILL 8**

October 20, 2009 – Offered by Representative SHERMAN.

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.

This substitute amendment creates a quota exception for any full-service restaurant that has a seating capacity of 75 to 100 persons; 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; generates more than 50 percent of total sales revenue from food sales; and is located on a golf course in a municipality, in Bayfield County, having a population of at least 400 but not more than 500. 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 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 on the effective date of this subdivision [LRB inserts date]; is located
10 in a commercial building; prepares, serves, and sells food to the public; has a separate
11 dining area with permanent fixtures where table service is provided a minimum of
12 4 nights per week for a minimum of 6 months per year; generates more than 50
13 percent of total annual sales revenue from food sales; and is located on a golf course
14 in a municipality, in Bayfield County, having a population of at least 400 but not more
15 than 500. For purposes of this subdivision, “golf course” does not include a miniature
16 golf course. No “Class B” license may be issued under this subdivision after the first
17 day of the 4th month beginning after the effective date of this subdivision [LRB

