

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB8)

Received: **02/24/2009**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

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

By/Representing: **Nora Tribys**

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:

Definition of full-service restaurant and golf course limitation

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:

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/?	agary	1/1 bjk 2/24	<i>[Signature]</i> ph	<i>[Signature]</i> ph			
FE Sent For:				<END>			

Gary, Aaron

From: Tribys, Eleanora
Sent: Monday, February 23, 2009 1:45 PM
To: Gary, Aaron
Subject: RE: Technical note re: AB 8 -- liquor license quota exemption

Gary agrees that the definitions are not necessary, but to avoid any hassle or opposition from the Dept of Revenue thinks that we should have both definitions and/or clarifications. Please do so in the best way you think accomplishes it.

Thank You!

Nora Tribys
 Office of Rep. Gary Sherman
 74th Assembly District

-----Original Message-----

From: Gary, Aaron
Sent: Monday, February 23, 2009 10:26 AM
To: Tribys, Eleanora
Subject: RE: Technical note re: AB 8 -- liquor license quota exemption

Hi Nora,

These definitions are not necessary, but of course wouldn't hurt either. "Full-service restaurant" is already used in the same provision (s. 125.51 (4) (v) 1., stats.) without definition. Presumably the term would be interpreted in the same fashion in your bill that it is under current law. That said, when a very similar bill was introduced last session, a definition of "full-service restaurant" was included in that bill. See 2007 AB-584/SB-322. (That definition was formulated and provided to me by the bill's sponsor; I did not actually devise it.) With regard to a "golf course," the term is used several times in ch. 125 without definition and I don't believe it is actually defined anywhere in the statutes. I think DOR might be concerned that an establishment may try to claim the quota exception for a miniature golf course. If you want to address this, I would recommend making explicit that the bill does not apply to miniature golf courses, rather than making the change suggested by DOR.

Please let me know if you want me to draft an amendment to either add a "full-service restaurant" definition or to specify that a golf course does not include a miniature golf course.

Aaron

Aaron R. Gary
 Attorney, Legislative Reference Bureau
 608.261.6926 (voice)
 608.264.6948 (fax)
 aaron.gary@legis.state.wi.us

From: Tribys, Eleanora
Sent: Friday, February 20, 2009 11:01 AM
To: Gary, Aaron

02/23/2009

Subject: FW: Technical note re: AB 8 -- liquor license quota exemption

Good Morning,

Rep. Sherman would like to defer to your opinion concerning whether it is necessary to further define the terms, as raised in the attached technical memo.

Nora Tribys
Office of Rep. Gary Sherman
74th Assembly District

-----Original Message-----

From: Sherman, Gary
Sent: Friday, February 20, 2009 9:52 AM
To: Tribys, Eleanora
Subject: FW: Technical note re: AB 8 -- liquor license quota exemption

From: Ziegler, Paul D - DOR [mailto:PaulD.Ziegler@revenue.wi.gov]
Sent: Thursday, February 19, 2009 11:49 AM
To: Rep.Sherman
Subject: Technical note re: AB 8 -- liquor license quota exemption

Representative Sherman -- The Department of Revenue has submitted the attached technical memo re: AB 8 to the Legislative Reference Bureau.

I hope this information is helpful.

Paul Ziegler, Team Leader
Sales and Property Tax Policy Team
Division of Research and Policy
Wisconsin Department of Revenue
2135 Rimrock Road - 6-73
Madison, WI 53708-8933
608-266-5773
fax 608-261-6240

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MEMORANDUM

February 18, 2009

TO: Aaron R. Gary
Legislative Reference Bureau

FROM: Paul Ziegler
Department of Revenue

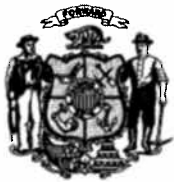
SUBJECT: Technical Memorandum on AB8 - municipal quotas for retail intoxicating liquor licenses

The bill creates a liquor license quota exception for a full-service restaurant with a seating capacity of 75 to 100 persons located on a golf course.

To more clearly specify the potential application of the bill's liquor license quota exemption, the author may consider including definitions of "full-service restaurant" and "golf course". Possible definitions of "full service restaurant" may be found in Wisconsin 2007 Senate Bill 322 or in the Michigan Compiled Laws in sec 436.1521. In referring to "golf course" the author may want to consider the use of a phrase such as: "...in an area designated as a golf course" as found in sec. 23.33 (11m) (a) 1, Wis. Stats.

If you have any questions regarding this technical memorandum, please contact Jacek Cianciara at 266-8133.

cc: Rep. Sherman



State of Wisconsin
2009 - 2010 LEGISLATURE

Soon

LRBa0098/1

ARG:.....

Lbjk

in 2/24

ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 8

D-Note

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 1: before that line insert:

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

5 125.02 (6g) "Full-service restaurant" means an establishment where meals
6 are prepared, served, and sold to transients or the general public for consumption on
7 the premises and in which the sale of alcohol beverages accounts for 50 percent or
8 less of the establishment's gross receipts for the most recent alcohol beverage
licensing year."

9 2. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1m".

10 3. Page 2, line 9: after "course" insert ", but not including a miniature golf
11 course".

12 (END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0098/1dn

.....
} Lbjk
ARG

Date

As discussed, the definition of "full-service restaurant" in the attached amendment is derived from 2007 AB-584.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0098/1dn
ARG:bjk:ph

February 24, 2009

As discussed, the definition of "full-service restaurant" in the attached amendment is derived from 2007 AB-584.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov