



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 8**

May 5, 2009 - Offered by COMMITTEE ON URBAN AND LOCAL AFFAIRS.

1 **AN ACT to amend** 125.51 (3) (e) 3.; and **to create** 125.02 (6g) and 125.51 (4) (v)
2 4. of the statutes; **relating to:** municipal quotas for retail intoxicating liquor
3 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 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.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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

2 125.02 **(6g)** “Full-service restaurant” means an establishment that satisfies
3 all of the following:

4 (a) Is located in a commercial building.

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

6 (c) Has a separate dining area with permanent fixtures where table service is
7 provided a minimum of 4 nights per week for a minimum of 6 months per year.

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

9 **SECTION 2.** 125.51 (3) (e) 3. of the statutes is amended to read:

10 125.51 **(3)** (e) 3. Each municipal governing body shall establish the annual fee
11 for a “Class B” license issued under sub. (4) (v), except that neither the fee for an
12 initial issuance of, nor the annual fee for, a “Class B” license issued under sub. (4) (v)
13 4. may exceed any fee established under subd. 1. The initial fee may be different from
14 the annual fee to renew the license.

