

2005 ASSEMBLY BILL 739

October 11, 2005 – Introduced by Representatives BALLWEG, BERCEAU, DAVIS, GUNDERSON, HINES, JESKEWITZ, NISCHKE, OWENS, TOWNSEND and M. WILLIAMS, cosponsored by Senators OLSEN, DARLING and GROTHMAN. Referred to Committee on Urban and Local Affairs.

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

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 sale of intoxicating liquor at retail for consumption on the premises where sold and is issued for specific premises. Current law imposes a quota on the number of “Class B” licenses that a municipality may issue. The quota on the number of “Class B” licenses that a municipality may issue is generally determined by a formula based on the number of licenses previously issued by the municipality and the municipality’s population. Current law also provides quota exceptions for a full-service restaurant that has a seating capacity of 300 or more persons and for a hotel that has 50 or more rooms and has a restaurant or banquet room meeting certain criteria. The holder of a “Class B” license issued under one of these two quota exceptions is not entitled to transfer the license to another premises within the issuing municipality and, if there is a finding of certain alcohol beverage violations by the licensee, a “Class B” license issued under one of these two quota exceptions must be revoked, in contrast to other “Class B” licenses for which revocation would be permissive.

This bill creates a third quota exception for any opera house or theater for the performing arts operated by a nonprofit organization.

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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 (4) (v) 3. of the statutes is created to read:

2 125.51 **(4)** (v) 3. An opera house or theater for the performing arts operated by

3 a nonprofit organization, as defined in s. 134.695 (1) (am).

4 **(END)**