

2007 SENATE BILL 322

November 15, 2007 – Introduced by Senators SULLIVAN, GROTHMAN, PLALE, ROESSLER, OLSEN, HARSDORF, ELLIS and MILLER, cosponsored by Representatives GOTTLIEB, HINTZ, BALLWEG, MURSAU, BERCEAU, ZEPNICK, PARISI, SINICKI, LOTHIAN, MONTGOMERY, FIELDS, HIXSON, BIES, LEMAHIEU, STRACHOTA, HINES, PRIDEMORE, ALBERS and NEWCOMER. Referred to Committee on Transportation and Tourism.

- 1 **AN ACT to amend** 125.51 (4) (v) 1.; and **to create** 125.02 (6g) 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 licensed premises and, depending on the type of intoxicating liquor and whether a municipal ordinance has been adopted, may also authorize the retail sale of intoxicating liquor for consumption off the licensed premises, subject to certain limitations. 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 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. Current law also provides a quota exception for certain opera houses and theaters, but a “Class B” license issued under this exception authorizes the sale of intoxicating liquor only for consumption on the premises and only in connection with ticketed performances.

This bill modifies the quota exception for full-service restaurants. The bill provides a quota exception for full-service restaurants regardless of seating capacity, but creates a definition of “full-service restaurant” that limits the exception to establishments where meals are prepared, served, and sold for consumption on the premises and in which the sale of alcohol beverages accounts for 50 percent or less

