

2009 ASSEMBLY BILL 8

January 27, 2009 – Introduced by Representative SHERMAN. Referred to Committee on Urban and Local Affairs.

- 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 bill 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. A municipality may not establish an initial issuance fee or an annual fee for a “Class B” license issued under this exception that exceeds \$500.

