2009 ASSEMBLY BILL 8

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

- 1 **A**N **A**CT *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.

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For further information see the \emph{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:

Section 1. 125.51 (3) (e) 3. of the statutes is amended to read:
125.51 (3) (e) 3. Each municipal governing body shall establish the annual fee
for a "Class B" license issued under sub. (4) (v), except that neither the fee for an
initial issuance of, nor the annual fee for, a "Class B" license issued under sub. (4) (v
4. may exceed any fee established under subd. 1. The initial fee may be different from
the annual fee to renew the license.
SECTION 2. 125.51 (4) (v) 4. of the statutes is created to read:
125.51 (4) (v) 4. A full-service restaurant that has a seating capacity of 75 to
100 persons and that is located on a golf course.

(END)