

2013 DRAFTING REQUEST

Bill

Received: 12/13/2012 Received By: agary
Wanted: As time permits Same as LRB:
For: Glenn Grothman (608) 266-7513 By/Representing: Valirie Maxim
May Contact: Drafter: agary
Subject: Beverages Addl. Drafters:
Extra Copies:
Submit via email: YES
Requester's email: Sen.Grothman@legis.wisconsin.gov
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Liquor license quotas for restaurants

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 12/18/2012	kfollett 1/5/2013	phenry 1/7/2013	_____			
/P1	agary 1/27/2014			_____	sbasford 1/7/2013		Local
/1		kfollett 1/27/2014	jmurphy 1/27/2014	_____	srose 1/27/2014	mbarman 2/5/2014	Local

FE Sent For:

→ At
Intro.

<END>

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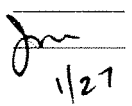
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1/2	agary	1/15/12 1/15	dh				

FE Sent For:

<END>

Gary, Aaron

From: Maxim, Valirie
Sent: Thursday, December 13, 2012 4:20 PM
To: Gary, Aaron
Subject: Redraft a Bill

Hello Aaron,

Senator Grothman would like to have a bill redrafted that you wrote for us last session. The number is LRB-2909, 2011 Senate Bill 276 regarding municipal quotas for retail intoxicating liquor licenses.

If you prefer to speak on the phone, I will not be back in the office until Monday, otherwise you can just e-mail me.

Thank you,

Valirie Maxim
Office of Senator Grothman
Contact: valirie.maxim@legis.wi.gov
608-266-7513



State of Wisconsin
2011 - 2012 LEGISLATURE

3 4

in
12/18



LRB-2011-0829/P1
ARG:med:ff

RMNR

2011 ³ ~~SENATE~~ BILL ⁴ 276

RAF

D-note

November 1, 2011 - Introduced by Senators GROTHMAN and LASEE, cosponsored by Representatives RIVARD, BALLWEG, BIES, HINTZ, KOOYENGA and SPANBAUER. Referred to Committee on Workforce Development, Small Business, and Tourism.

Regen

- 1 AN ACT *to renumber and amend* 125.51 (4) (v) 1.; and *to create* 125.51 (4) (v)
- 2 1. a. 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 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 most full-service restaurants. The bill provides a quota exception for a full-service restaurant regardless of seating capacity, but creates a definition of "full-service restaurant" for purposes of the bill

SENATE BILL 276

that limits the exception to an establishment 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 of the establishment's gross receipts. In addition, a "Class B" license issued under this exception authorizes the sale of intoxicating liquor only for consumption on the premises. The bill prohibits a person holding a "Class B" license, other than one issued under this exception, from surrendering that license and applying for a new license under this exception.

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) 1. of the statutes is renumbered 125.51 (4) v. 1. b. and
2 amended to read:

3 125.51 (4) (v) 1. b. A full-service restaurant that has a seating capacity of 300
4 ~~or more persons.~~ Notwithstanding sub. (3) (a) and (b), a "Class B" license issued
5 under this subdivision authorizes the retail sale of intoxicating liquor only for
6 consumption on the premises where sold. If a "Class B" license issued under this
7 subdivision is surrendered to the issuing municipality, revoked, or not renewed, the
8 municipality may not reissue the license to any applicant other than a full-service
9 restaurant. A person that holds a "Class B" license, other than one issued under this
10 subdivision, that is surrendered, revoked, or not renewed may not apply for issuance
11 of a "Class B" license under this subdivision.

12 **SECTION 2.** 125.51 (4) (v) 1. a. of the statutes is created to read:

13 125.51 (4) (v) 1. a. In this subdivision, "full-service restaurant" means an
14 establishment where meals are prepared, served, and sold to transients or the
15 general public for consumption on the premises and in which the sale of alcohol

SENATE BILL 276

- 1 beverages accounts for 50 percent or less of the establishment's gross receipts for the
- 2 most recent alcohol beverage licensing year.

(END)

3 →
insert
3-2

D-Note

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0829/P1ins
ARG:.....

1
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INSERT 3-2:

SECTION 1. Initial applicability.

(1) This act first applies to licenses initially issued under section 125.51 (4) (v)
1. of the statutes on the effective date of this subsection.

SECTION 2. Effective date.

(1) This act takes effect on the first day of the 3rd month beginning after
publication.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0829/P1dn

ARG: *fgf*

Date

ATTN: Valirie Maxim

Please review the attached draft carefully to ensure that it is consistent with your intent. This is a redraft of 2011 SB-276, but I added an initial applicability provision and an effective date provision. I added the initial applicability provision due to concern that the bill might adversely affect existing license holders. I added the slightly delayed effective date based on DOR's technical memorandum for 2011 SB-276. Please advise if these additions are not consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0829/P1dn
ARG:kjf:ph

January 7, 2013

ATTN: Valirie Maxim

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: VerVelde, Rachel
Sent: Monday, January 27, 2014 12:51 PM
To: Gary, Aaron
Subject: FW: Draft review: LRB -0829/P1 Topic: Liquor license quotas for restaurants
Attachments: 13-0829/P1.pdf; DraftersNote1.pdf

Aaron,

Would you send an introducible version of this draft?

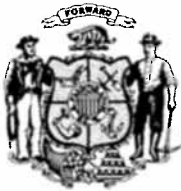
Thanks,

Rachel A. VerVelde

Chief of Staff - Office of Senator Glenn Grothman
20th Senate District
Rachel.VerVelde@legis.wi.gov
608-266-7513

From: LRB.Legal
Sent: Monday, January 07, 2013 10:32 AM
To: Sen.Grothman
Subject: Draft review: LRB -0829/P1 Topic: Liquor license quotas for restaurants

Following is the PDF version of draft LRB -0829/P1 and drafter's note.



in
1/27



LRB-0829/01
ARG:kjf:ph

wanted
1/28

KAR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No change

Resem

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sold for consumption on the premises and in which the sale of alcohol beverages accounts for 50 percent or less of the establishment's gross receipts. In addition, a "Class B" license issued under this exception authorizes the sale of intoxicating liquor only for consumption on the premises. The bill prohibits a person holding a "Class B" license, other than one issued under this exception, from surrendering that license and applying for a new license under this exception.

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15 general public for consumption on the premises and in which the sale of alcohol
16 beverages accounts for 50 percent or less of the establishment's gross receipts for the
17 most recent alcohol beverage licensing year.

18 SECTION 3. Initial applicability.

Barman, Mike

From: Sen.Grothman
Sent: Wednesday, February 05, 2014 8:50 AM
To: LRB.Legal
Subject: Draft Review: LRB -0829/1 Topic: Liquor license quotas for restaurants

Please Jacket LRB -0829/1 for the SENATE.