



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3923/1
ARG:cdc

2019 ASSEMBLY BILL 385

August 28, 2019 - Introduced by Representatives B. MEYERS, MILROY, OHNSTAD, SPREITZER, ANDERSON and C. TAYLOR, cosponsored by Senators BEWLEY and KOOYENGA. Referred to Committee on State Affairs.

1 AN ACT *to create* 125.02 (5m), 125.51 (4) (br) 1. i. and 125.51 (4) (m) of the
2 statutes; **relating to:** retail liquor license quotas.

Analysis by the Legislative Reference Bureau

This bill allows a municipality that has reached its liquor license quota to issue one additional license if certain conditions exist.

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 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.

This bill modifies the quota formula to provide a municipality with one additional "Class B" license if the municipality has already reached its quota and if no "Class B" licensed establishment in the municipality satisfies current accessibility standards for public accommodations under the federal Americans with Disabilities Act (ADA). The additional "Class B" license may be issued only for an establishment that satisfies ADA public accommodation accessibility standards for new construction.

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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.** 125.02 (5m) of the statutes is created to read:

2 125.02 **(5m)** “Federal accessibility standards” means the standards under the
3 accessibility guidelines for Title III of the federal Americans With Disabilities Act,
4 42 USC 12181 to 12189, and regulations adopted under the act, 28 CFR 36.

5 **SECTION 2.** 125.51 (4) (br) 1. i. of the statutes is created to read:

6 125.51 **(4)** (br) 1. i. Add one license if the clerk of the municipality has provided
7 notice under par. (m) and, one year after this notice, no establishment operated under
8 a “Class B” license in the municipality satisfies federal accessibility standards, if the
9 total number of licenses issued by the municipality immediately prior to the notice
10 equaled the maximum number of licenses authorized under this subdivision, and if
11 the additional license under this subd. 1. i. is issued for an establishment that
12 satisfies federal accessibility standards for new construction.

13 **SECTION 3.** 125.51 (4) (m) of the statutes is created to read:

14 125.51 **(4)** (m) Upon request by a resident of a municipality who knows or has
15 reason to believe that none of the “Class B” licensed establishments in the
16 municipality satisfy federal accessibility standards, the clerk of the municipality
17 shall provide notice to each “Class B” licensee in the municipality of the content of
18 par. (br) 1. i.

19 **SECTION 4. Effective date.**

