

State of Wisconsin



2015 Assembly Bill 612

Date of enactment: **March 29, 2016**

Date of publication*: **March 30, 2016**

2015 WISCONSIN ACT 286

AN ACT *to amend* 125.51 (3) (e) 1., 125.51 (3) (e) 2., 125.51 (4) (br) 2. and 125.51 (4) (v) 1.; and *to create* 125.51 (3) (e) 4., 125.51 (3) (e) 6., 125.51 (4) (br) 1. g. and h., 125.51 (4) (e) and 125.51 (4) (u) of the statutes; **relating to:** municipal quotas for retail intoxicating liquor licenses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.51 (3) (e) 1. of the statutes is amended to read:

125.51 (3) (e) 1. Except as provided in subds. 2. and 3. ~~to 4. and 6.~~, the annual fee for a "Class B" license shall be established by the municipal governing body and shall be the same for all "Class B" licenses, except that the minimum fee shall be \$50 and the maximum fee shall be \$500. The minimum fee does not apply to licenses issued to bona fide clubs and lodges situated and incorporated in the state for at least 6 years.

SECTION 2. 125.51 (3) (e) 2. of the statutes is amended to read:

125.51 (3) (e) 2. Each municipal governing body shall establish the fee, in an amount not less than \$10,000, for an initial issuance of a reserve "Class B" license, as defined in sub. (4) (a) 4., and, if the municipality contains a capital improvement area enumerated under sub. (4) (x) 2. a., for an initial issuance of a "Class B" license under sub. (4) (x) 3. and 4., except that the fee for an initial issuance of a reserve "Class B" license to a bona fide club or lodge situated and incorporated in the state for at least 6 years is the fee established under subd. 1. for such a club or lodge. The fee under this subdivision is in addition to any other fee required under this chapter. The annual fee

for renewal of a reserve "Class B" license, as defined in sub. (4) (a) 1., and a "Class B" license issued under sub. (4) (x) 3. or 4. is the fee established under subd. 1. A municipality may not rebate or refund to a "Class B" licensee or a person affiliated with the "Class B" licensee or with the license application process, including through any grant or tax credit program, the fee paid by the licensee under this subdivision for initial issuance of a reserve "Class B" license.

SECTION 3. 125.51 (3) (e) 4. of the statutes is created to read:

125.51 (3) (e) 4. Each municipal governing body that transfers a license under sub. (4) (e) shall establish the fee, in an amount not less than \$10,000, for issuance of a reserve "Class B" license after it has been transferred under sub. (4) (e). A municipality may not rebate or refund to a "Class B" licensee or a person affiliated with the "Class B" licensee or with the license application process, including through any grant or tax credit program, the fee paid under this subdivision for issuance of the license after transfer. The annual fee for renewal of a reserve "Class B" license after it has been transferred and reissued under sub. (4) (e) is the fee established under subd. 1.

SECTION 4. 125.51 (3) (e) 6. of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

125.51 (3) (e) 6. Notwithstanding subd. 2., each municipal governing body that has designated a premier economic development district under sub. (4) (u) 2. shall establish the fee, in an amount not less than \$30,000, for initial issuance of a reserve “Class B” license under sub. (4) (u) 3. A municipality may not rebate or refund to a “Class B” licensee or a person affiliated with the “Class B” licensee or with the license application process, including through any grant or tax credit program, the fee paid by the licensee under this subdivision for initial issuance of a reserve “Class B” license under sub. (4) (u) 3. The annual fee for renewal of a reserve “Class B” license issued under sub. (4) (u) 3. is the fee established under subd. 1.

SECTION 5. 125.51 (4) (br) 1. g. and h. of the statutes are created to read:

125.51 (4) (br) 1. g. Add one license for each license transferred to the municipality under par. (e).

h. Subtract one license for each license transferred from the municipality under par. (e).

SECTION 6. 125.51 (4) (br) 2. of the statutes is amended to read:

125.51 (4) (br) 2. Notwithstanding subd. 1., if the difference between the number of licenses determined under par. (b) 1g. and under par. (bm) 1. is 3 or fewer, the number of reserve “Class B” licenses authorized to be issued by that municipality is the difference between the number of licenses determined under par. (b) 1g. and under par. (bm) 1., plus one per each increase of 500 population to the population recorded under par. (bm), plus one for each license transferred to the municipality under par. (e), minus one for each license transferred from the municipality under par. (e), plus one if the municipality had issued a license under s. 125.51 (4) (br) 2., 1999 stats., based on a fraction of 500 population but only as long as the total number of licenses issued by the municipality equals the maximum number of licenses authorized.

SECTION 7. 125.51 (4) (e) of the statutes is created to read:

125.51 (4) (e) 1. A municipality may make a request to another municipality that is contiguous with, or within 2 miles of, the requesting municipality that the other municipality transfer a reserve “Class B” license to the requesting municipality. If the request is granted, the reserve “Class B” license shall be transferred.

2. A municipality may transfer or receive more than one reserve “Class B” license under this paragraph as long as each transfer meets the requirements of this paragraph, but a municipality may not transfer more than 3 reserve “Class B” licenses under this paragraph.

3. After transfer of a reserve “Class B” license under this paragraph, the municipality receiving the reserve “Class B” license may issue and renew the reserve “Class B” license in the same manner as other reserve “Class B” licenses that have not been so transferred, except that the

fee under sub. (3) (e) 4., not sub. (3) (e) 2., applies upon issuance of the reserve “Class B” license by the receiving municipality after the transfer. Upon receipt of the issuance fee from the licensee, the receiving municipality shall remit this issuance fee to the municipality that transferred the license.

4. Notwithstanding subsd. 1. to 3., if a municipality has not issued any licenses, the municipality may not transfer any licenses under this paragraph.

SECTION 8. 125.51 (4) (u) of the statutes is created to read:

125.51 (4) (u) 1. In this paragraph:

a. “Economic development project” means a project or projects within a premier economic development district that, alone or together, have an estimated comprehensive new construction assessed valuation increase of at least \$20,000,000, as established and certified by an independent 3rd-party appraiser or market research firm that provides a written report regarding the estimated value to be created by the project or projects.

b. “Premier economic development district” means a geographic area designated under subd. 2.

2. A municipality may, by ordinance enacted by at least a two-thirds vote of the municipality’s governing body, designate a geographic area within the municipality as a premier economic development district if all of the following apply:

a. The geographic area does not exceed 40 acres and the boundaries of the geographic area are precisely identified in the ordinance.

b. No part of the geographic area is physically separated from the rest of the geographic area so that, except for public streets, similar community infrastructure, and rivers and other waterways, each portion of the geographic area is contiguous with some other portion of the geographic area.

c. The geographic area does not include any land that is zoned exclusively for industrial use or zoned exclusively for single-family or 2-family residences.

3. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a municipality that has designated a premier economic development district may issue up to 2 “Class B” licenses in connection with an economic development project within the premier economic development district, in addition to the number of licenses determined for the municipality’s quota under pars. (b) to (d) and in addition to any license under par. (v) or (w).

4. A “Class B” license issued under subd. 3. may not be transferred under s. 125.04 (12) (b) 4. If a “Class B” license issued under subd. 3. is surrendered to the issuing municipality, revoked, or not renewed, the municipality may reissue the license only for premises located within the premier economic development district.

5. A municipality may not designate more than one premier economic development district under this paragraph.

2015 Assembly Bill 612

2015 Wisconsin Act 286

6. Not more than 2 “Class B” licenses may be issued under this paragraph for premises within a premier economic development district, regardless of the number of economic development projects within the premier economic development district.

SECTION 9. 125.51 (4) (v) 1. of the statutes is amended to read:

125.51 (4) (v) 1. A full-service restaurant that has an interior, permanent seating capacity of 300 or more persons.

SECTION 10. Initial applicability.

(1) The treatment of section 125.51 (3) (e) 2. of the statutes first applies to licenses initially issued on the effective date of this subsection.

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

SECTION 11. Effective date.

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