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State of Misconsin 2013 - 2014 LEGISLATURE



2013 ASSEMBLY BILL 632

January 17, 2014 – Introduced by Representative Bewley. Referred to Committee on State Affairs and Government Operations.

1 AN ACT to create 125.02 (5m), 125.51 (4) (br) 1. g. and 125.51 (4) (m) of the

statutes; **relating to:** retail liquor license quotas.

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.

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.

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:

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SECTION 1.	125.02	(5m) of t	he statutes	1S	created	to read:

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

Section 2. 125.51 (4) (br) 1. g. of the statutes is created to read:

125.51 (4) (br) 1. g. Add one license if the clerk of the municipality has provided notice under par. (m) and, 270 days after this notice, no establishment operated under a "Class B" license in the municipality satisfies federal accessibility standards, if the total number of licenses issued by the municipality immediately prior to the notice equaled the maximum number of licenses authorized under this subdivision, and if the additional license under this subd. 1. g. is issued for an establishment that satisfies federal accessibility standards for new construction.

Section 3. 125.51 (4) (m) of the statutes is created to read:

125.51 (4) (m) Upon request by a resident of a municipality who knows or has reason to believe that none of the "Class B" licensed establishments in the municipality satisfy federal accessibility standards, the clerk of the municipality shall provide notice to each "Class B" licensee in the municipality of the content of par. (br) 1. g.

19 (END)