

ORIGINAL HOUSE  
BILL NO. 0083

ENROLLED ACT NO. 30, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2006 BUDGET SESSION

AN ACT relating to liquor licenses; providing for bar and grill liquor licenses; specifying conditions for licensure; exempting bar and grill liquor licenses from certain restrictions; authorizing dual holding of microbrewery or winery permit and bar and grill liquor license as specified; making conforming amendments; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 12-4-413 is created to read:

**12-4-413. Bar and grill liquor license; authorized; requirements.**

(a) Restaurants as defined by W.S. 12-1-101(a)(xiv) may be licensed by the appropriate licensing authority in counties, cities and towns under a bar and grill liquor license. In addition to the application requirements required by this title, the license applicant shall submit a valid food service permit upon application.

(b) The number of bar and grill liquor licenses for cities and towns shall be based on the following population formula:

(i) Not more than one (1) license in incorporated cities or towns of seven thousand five hundred (7,500) or less;

(ii) Not more than two (2) licenses for population in incorporated cities between seven thousand five hundred one (7,501) and fifteen thousand (15,000); and

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(iii) Not more than three (3) for population in incorporated cities between fifteen thousand one (15,001) and twenty-seven thousand five hundred (27,500); and

(iv) Not more than one (1) additional license for each additional twelve thousand five hundred (12,500) population in incorporated cities over twenty-seven thousand five hundred (27,500).

(c) Bar and grill liquor licenses may be granted by the county commissioners as the appropriate licensing authority in a county outside of incorporated cities and towns as follows:

(i) One (1) license for each seven thousand five hundred (7,500) population residing outside incorporated cities and towns.

(d) The license fee assessed for a bar and grill liquor license shall be not less than one thousand five hundred dollars (\$1,500.00) nor more than ten thousand five hundred dollars (\$10,500.00).

(e) A bar and grill liquor license shall not be sold, transferred or assigned by the holder.

(f) Bar and grill liquor licenses shall be subject to the provisions of W.S. 12-4-408 and 12-4-410(c) to the same extent those provisions are applicable to restaurant liquor licenses. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee except as allowed under W.S. 12-4-410(e).

**Section 2.** W.S. 12-1-101(a)(viii)(F), (G) and by creating a new subparagraph (H), 12-4-101(a) and (c),

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12-4-412(b)(iii)(D), (E), by creating a new subparagraph (F) and by creating a new subsection (e) and 12-4-602(d) are amended to read:

**12-1-101. Definitions.**

(a) As used in this title:

(viii) "Licensee" means a person holding a:

(F) Restaurant liquor license;~~or~~

(G) Catering permit;~~;~~ or

(H) Bar and grill liquor license.

**12-4-101. Authority of cities, towns and counties; population figures; number of available licenses and permits; assessment and payment of fees.**

(a) Incorporated cities, towns and counties within Wyoming shall license and regulate or prohibit the retail sale of alcoholic and malt beverages under this title. Nothing in this title prohibits a licensing authority of an incorporated city, town or county from issuing less than the total number of allowable retail liquor licenses pursuant to W.S. 12-4-201, less than the allowable bar and grill liquor licenses pursuant to W.S. 12-4-413 or from refusing to issue any license or permit authorized by this title.

(c) Population figures and estimates required by subsection (b) of this section shall be furnished to the appropriate licensing authorities within the state by the department of administration and information. The maximum number of licenses and permits available for issuance by a

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licensing authority pursuant to the population formula provided by W.S. 12-4-201 and 12-4-413, shall be certified and distributed by the commission.

**12-4-412. Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; fees.**

(b) The local licensing authority:

(iii) May approve the dual holding of a microbrewery permit or winery permit and one (1) of the following:

(D) A microbrewery permit as provided under paragraph (a)(i) of this section;~~or~~

(E) A winery permit as provided under paragraph (a)(ii) of this section;~~or~~ or

(F) Subject to subsection (e) of this section, a bar and grill liquor license as provided in W.S. 12-4-413.

(e) The provisions of W.S. 12-4-413 shall apply to any person holding a microbrewery or winery permit and a bar and grill liquor license pursuant to subparagraph (b)(iii)(F) of this section, except the dual holder:

(i) May sell the brewed malt beverage or manufactured wine for limited off-premise personal consumption pursuant to paragraphs (b)(iv) and (v) of this section;

(ii) May upon cessation of full service restaurant operations serve a limited menu and continue to

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serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and

(iii) Shall not include sales of malt beverages or wines authorized under the malt beverage or winery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report required under W.S. 12-4-408(c).

**12-4-602. Annexations; transfer of licensing jurisdiction; licenses transferred exempt from population formula.**

(d) A license transferred pursuant to annexation shall be exempt from the population formula restrictions provided by W.S. 12-4-201 and 12-4-413.

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**Section 3.** This act is effective July 1, 2006.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk