



Alberta Darling
Wisconsin State Senator · District 8

Testimony before the Senate Committee on Financial Institutions and Revenue
Senate Bill 282: Sale of Alcohol Beverages at the State Fair Park
April 12, 2021

Thank you Chairman Kooyenga and committee members for hearing testimony today on Senate Bill 282.

Last session an issue was brought to the legislature's attention regarding the process State Fair Park has used to allow approved vendors to sell alcohol beverages on the grounds of State Fair Park. A bill to address the issue passed the Assembly but was not taken up by the Senate due to COVID-19. Senate Bill 282 is almost identical to the language from last session and will allow for the continued sale and consumption of alcohol at State Fair Park.

Senate Bill 282 creates a licensing exemption for retail sales of alcohol beverages at State Fair Park which will allow State Fair Park Board approved vendors to sell alcoholic beverages for consumption on the grounds without having to obtain a separate municipal license. This bill also creates a similar exemption to allow the Wisconsin Winery Association to sell bottles of wine without a separate municipal license as well.

It is important to note under the bill a person must satisfy all of the eligibility criteria that any applicant must satisfy in order to obtain an alcohol beverages license or permit, except for the criteria related to residency. A person is not required under the bill to have been a resident of the state for at least 90 days prior to the date of application to make sales at the State Fair Park.

The State Fair is a wonderful once a year event, and our goal is to get this bill done before the fair season this fall. Thank you for taking the time to hear Senate Bill 282. I hope to have your support.



Amy Loudenbeck

REPRESENTING WISCONSIN'S 31ST ASSEMBLY DISTRICT

Testimony before the Senate Committee on Financial Institutions and Revenue Senate Bill 282 Rep. Amy Loudenbeck

Good morning, Mr. Chair and members, thank you for having this hearing today on Senate Bill 282 relating to the sales of alcohol beverages at the state fair park.

I apologize for not being able to attend in person today, but I already committed to holding a listening session in my district this afternoon.

Senate Bill 282 was introduced last session in response to an issue regarding the process State Fair Park (SFP) has historically used to allow SFP approved vendors to sell alcohol beverages on SFP grounds. In order to resolve this issue, 2019 Assembly Bill 869 was introduced late last session. That bill passed the Assembly, but was not taken up by the Senate due to COVID-19.

SB 282 contains provisions very similar to 2019 AB 869, and is limited to alcohol beverage sales at State Fair Park only. Specifically, it creates a licensing exemption for retail sales of alcohol beverages at SFP which will allow SFP approved vendors to sell intoxicating beverages for consumption on SFP property without a separate municipal license. SB 282 creates a similar exemption to allow the Wisconsin Winery Association to sell bottles of wine without a separate municipal license. The provisions in SB 282 would align Wisconsin Statutes with current and historic procedures for vendor alcohol sales at SFP.

It is important to note, this retail license exemption would only apply to SFP approved vendors who must already agree to abide by an extensive vendor manual, which includes adherence to all other provisions of Chapter 125 Wisconsin Statutes. The bill also specifies that State Fair Park Board must formally approve all vendors by resolution.

The State Fair Park Board has policies that have been in place for years to ensure all of the vendors are following the law. Legislative Council has been provided with background information and documents and others from State Fair Park will be also be testifying today. Again, I am sorry I am not able to be present today and if you have any questions feel free to reach out to my office anytime.

Thank you for your consideration of this important bill.

**Senate Committee on Financial Institutions and Revenue
April 12, 2021**

Senate Bill 282

On behalf of the Wisconsin Beer Distributors Assoc. and the Wisconsin Wine & Spirit Institute

Testimony of Mike B. Wittenwyler

Under current law, with limited exceptions, a license or permit is required for the sale of alcohol beverages at retail.

No person may sell alcohol beverages to a consumer unless the seller possesses a license issued by local government or a permit issued by Department of Revenue authorizing the sale.

As currently drafted, Senate Bill 282 would eliminate that licensing or permit requirement for any vendor at State Fair Park.

Senate Bill 282 creates a location where the retail sales of alcohol beverages would be free of regulation.

While these vendors would need to be approved by the State Fair Park board and meet some (not all) of the qualifications for licenses or permits, they would be entirely exempt from numerous state law requirements:

- A vendor is not required to be a state resident or otherwise appoint a state resident for service of process.
- A vendor is not required to meet with local law enforcement or go through a background check similar to what is required of other retail licensees.
- A vendor is not required to go through an annual renewal or approval as an approval has no time limit.
- A vendor is not required to submit a description of the licensed premise or at all define the scope or size of where alcohol beverage sales are allowed.
- A vendor is not required to submit a security plan.
- A vendor is not required to have its employees complete responsible beverage training courses.
- A vendor is not subject to onsite supervision requirements of the licensed premises.
- A vendor is not subject to closing hours.
- A vendor is not subject to requirements to purchase alcohol from Wisconsin breweries, brewpubs or wholesalers.
- A vendor is not subject to state 15 / 30 day credit laws on purchases.
- A vendor may refill alcohol bottles.

- A vendor is not required to any recordkeeping requirements.
- A vendor is not subject to minimum mark-up laws.
- A vendor is not subject to cross-tier ownership restrictions.
- A vendor is not subject to Wisconsin's tied-house laws.
- A vendor is not subject to state laws on inspection by law enforcement or the Department of Revenue.
- A vendor is not subject to restrictions on underage persons on the licensed premises.
- A vendor is not subject to restrictions on bringing alcohol on to the licensed premises.
- A vendor is not subject to the penalties in Chapter 125 applicable to other licensed retailers.

A vendor is not limited to a temporary or seasonal business as the exemption would broadly apply to "any person approved by the state fair park board."

According to the State Fair Park website: "The nearly 200-acre Fair Park is a year-round entertainment venue hosting events, activities and meetings throughout the four seasons."

Unlike the approval process for other retailers, there will be no public hearing or input from local residents, neighboring businesses or law enforcement.

As a result, a new restaurant, bar or night club could open on the fair grounds without any local approvals that were required for other businesses in the area.

There is no limit on the number of vendors or even as to the location of what is "state fair park".

Senate Bill 282 also creates a complete exemption for licensing or regulation of retail sales anywhere in the state for a "winery trade association" at any time.

Alternative to Senate Bill 282

An alternative to Senate Bill 282 would be to consider the State Fair Park grounds in West Allis a municipality for alcohol licensing purposes and, under that treatment, allow the State Fair Park board to issue Class A and Class B retail licenses similar to the powers granted to a local government.

Like a local government, State Fair Park would be subject to the requirements under Chapter 125.

All vendors would then be retail licensees, subject to all of the licensing and other requirements under Chapter 125.

Existing statutory exceptions for brewery and brewpub retail sales at State Fair Park would remain in place.