



Wisconsin Agricultural Tourism Association

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June 13, 2023 - Written Statement for Public Hearing; Assembly Committee on State Affairs

Wisconsin Agricultural Tourism Association opposes AB 304 as written.

The mission of WATA is to educate, advocate for and support its members (working farms, farmers and farm families). The existence of many family farms is threatened by the high cost of inputs, global competition, and by being squeezed out of markets. WATA's goals are to help working family farms

- Remain solvent
- Remain producers contributing to the family, community and state economy

To these ends, agricultural tourism is a way to diversity farm income and pump economic vitality within their communities and the state.

Agricultural tourism is a growing economic engine all of the world because it meets both consumer and farmer demands. Agricultural tourism helps offset the loss of traditional farm income as it satisfies growing consumer demand to have meaningful experiences on working farms. Many farms meet this demand by offering opportunities for private events -- by-invitation-only activities -- at agricultural event venues on their farms. These private events are value-added efforts that allow farms to generate critical income by offering unique, rural, local and outdoor experiences that also educate consumers about where their food, fiber and fuel comes.

WATA Agricultural Event Venues are 100% compliant with Chapter 125 and is consistent with current Department of Revenue Guidance. Documentation filed by WISCONSIN LEGISLATIVE COUNCIL STUDY COMMITTEE MEMORANDUM Melissa Schmidt, Senior Staff Attorney on August 15, 2018.

Alcohol beverage retail licenses are required for a location in which a **sale of alcohol beverages** takes place. OR **whenever consumption of alcohol beverages occurs at a public place.**

Current law does not, however, define the term "public place" for purposes of the prohibition of consumption of alcohol beverages described above. In an email message to Legislative Council staff from Tyler Quam, DOR, dated January 23, 2018, Mr. Quam explained DOR's guidance on the term "public place" for purposes of this prohibition:

While "public place" is not defined within statute, the department has researched this issue extensively. **Rather than focusing on the location of a particular event, the department considers the nature of the event when determining whether a location is a "public place."**

Events such as wedding receptions, birthday parties, employee appreciation events, family reunions, etc., where attendees consist only of personally invited guests known to the host and are not open to the general public, do not qualify as public places. As long as alcohol beverages are not sold, either directly or indirectly, **at these types of gatherings, an alcohol beverage license is not required.** This is consistent with previous opinions and court cases from around the country.¹ DOR relies upon the 1992 Wisconsin Attorney General opinion 80 Op. Att’y Gen. Wis. 218. The agency also relies upon the

following court opinions from Alabama, Illinois, and Texas: *Clarke v. State*, 12 Ala. 492 (1847); *Campbell et al., v. State*, 17 Ala. 369 (1850); *Roquemore v. State*, 19 Ala. 528 (1851); *People v. Simcox et al.*, 379 Ill. 347 (1942); *White v. State*, 39 Tex. Crim. 269 (1898); and *Austin v. State*, 57 Tex. Crim. 623 (1910).

Under DOR’s interpretation of the term “public place,” whether an event venue is required to obtain an alcohol beverages retail license to sell alcohol for consumption at the venue depends upon the nature of the event hosted at the venue. Specifically, DOR considers whether the event is limited to personally invited guests known to the host and not open to the general public.

Example 9: A couple rents a local barn for their private wedding reception. The barn is not an alcohol beverage retail licensed premises. The couple purchases all alcohol beverages from an alcohol beverage retail licensee. Only invited friends and family may attend the reception, and alcohol beverages are served free of charge to these guests. Neither the couple nor the barn owner are required to hold an alcohol beverage retail license for the barn during the wedding

Reception. When Must a Person Obtain an Alcohol Beverage Retail License? Alcohol Beverage Laws Fact Sheet 3111 revenue.wi.gov. March 20, 2019

WATA is requesting that all language pertaining to “Wedding Barns”, venue, no-sale venue permits be removed from AB 304 by simple amendment because this language creates unintended consequences, devastating negative economic impacts for thousands of Wisconsin Residents and a lack of practical applications pertaining to signed contracts through 2025. (pages 15, 16, 17, 37, 62, 63, 64, 65, 66 and 153). Or Agricultural Event Venues (no sale venues be added to page 36 and other pages that provide exclusion language. [(d) This subsection does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event sponsored by the private college is being held, churches, premises in a state fair park, clubs or **Agricultural Event Venues /no-sale venues.**]

As written AB 304 further impedes the economic liberties of Agricultural Event Venue Operators/Family Farmers. Please amend to remove language or exempt Agricultural Event Venues “no-sale venues” just like the other afforded the exemptions.

Sincerely,
Sheila Everhart
Executive Director