

**WISCONSIN STATE
LEGISLATURE COMMITTEE
HEARING RECORDS**

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on
Small Business,
Emergency
Preparedness,
Workforce
Development,
Technical Colleges &
Consumer Protection**

(SC-SBEPWDTCCP)

COMMITTEE NOTICES ...

➤ Committee Reports ... CR

**

➤ Executive Sessions ... ES

**

➤ Public Hearings ... PH

**

➤ Record of Comm. Proceedings ... RCP

**

**INFORMATION COLLECTED BY
COMMITTEE FOR AND AGAINST
PROPOSAL ...**

➤ Appointments ... Appt

**

Name:

➤ Clearinghouse Rules ... CRule

**

➤ Hearing Records ... HR (bills and resolutions)

**

➤ Miscellaneous ... Misc

**

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Vote Record
**Committee on Small Business, Emergency Preparedness,
 Workforce Development, Technical Colleges and Consumer
 Protection**

Date: 2-13-08

Moved by: Paul

Seconded by: Kedzie

AB 581 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

AB
581

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrency

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Robert Wirth, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Tim Carpenter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Jeffrey Plale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____





State of Wisconsin

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Stephen R. Miller
Chief

TO: Representative Gunderson
FROM: Robin Ryan, Legislative Attorney
DATE: December 4, 2007
RE: Assembly Bill 581

Handwritten initials "RR" in black ink.

This memo responds to your questions regarding 2007 Assembly Bill 581 (AB 581). You asked the following:

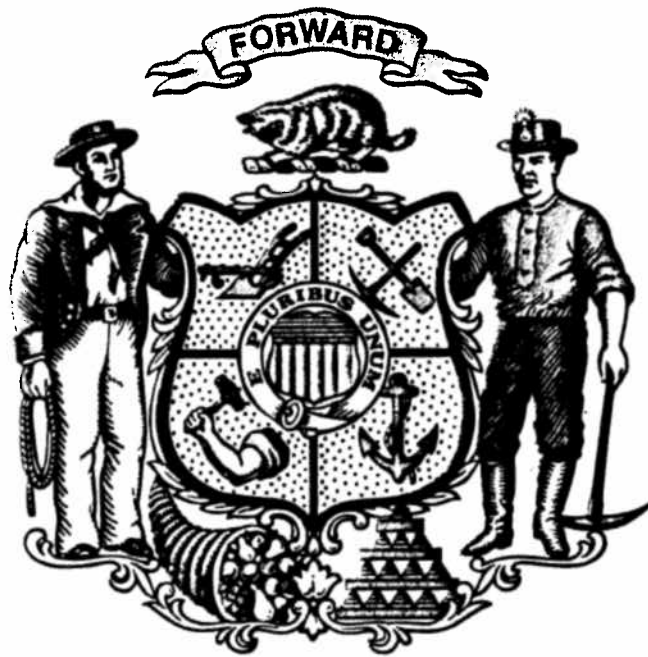
1. If a state or local official uses emergency powers to close a road during a state of an emergency, would the road closure apply to a person who has a firearm or ammunition in his or her possession?
2. Does existing law with respect to firearms and ammunition, such as the requirement to encase a firearm during transport, continue to have effect during a state of emergency?

AB 581 qualifies the use of emergency powers. It provides that a state or local official may not use emergency powers to restrict the possession, transfer, sale, transport, storage, display, or use of a firearm or ammunition during a state of emergency.

The bill clearly prohibits state and local officials from using emergency powers to issue an order that directly prohibits transporting a firearm or ammunition. You question whether the bill also prohibits a state or local official from issuing an order that has an indirect effect of restricting the transport of a firearm or ammunition as, for example, a road closure might. A road closure is not a measure to restrict firearms or ammunition. The most natural reading of the bill is that it does not prohibit state and local officials from using emergency powers to issue orders that indirectly restrict activities related to firearms or ammunition, and such an order would apply to a person who has a firearm or ammunition in his or her possession.

You also asked for clarification as to how the bill affects existing laws related to firearms or ammunition. Under current law, restrictions related to firearms or ammunition continue to have effect during a state of emergency unless a state or local official uses emergency powers to issue an order that lifts or eases a restriction. AB 581 makes no change with regard to this matter. Thus, under current law and AB 581, laws related to encasing a firearm for transport continue to have effect during a state of emergency unless a state or local official uses emergency powers to change the requirements concerning encasing a firearm during transport.

Please contact me with any additional questions.





NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030-7400

Chairman Robert Wirch
Committee on Small Business, Emergency Preparedness, Workforce Development,
Technical Colleges, and Consumer Protection
400 Southeast
Wisconsin State Capital
Madison, WI 53708

January 30, 2008

Dear Chairman Wirch,

I come before you today as a registered lobbyist speaking on behalf of the National Rifle Association. I am here to voice my support for AB 581. This legislation is vitally important to all law-abiding citizens in the great state of Wisconsin. The purpose of this legislation is to secure a citizens' constitutional right to keep and bear arms during a declared state of emergency. During emergency situations governmental agencies and law enforcement agencies are given special powers to keep the peace and maintain civil order. Recently it has become apparent that unless those emergency powers are clearly spelled out, they can be exploited by some of these agencies to restrict citizens' constitutionally guaranteed rights.

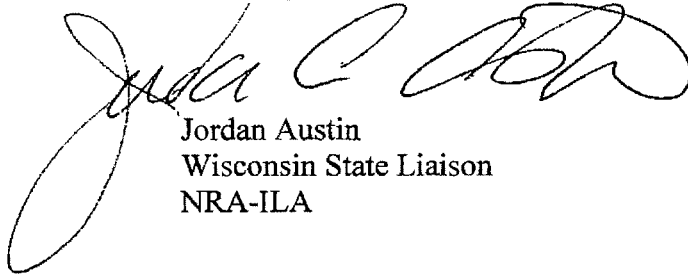
As was the case in New Orleans, LA after hurricane Katrina, the Mayor and local law enforcement officials took it upon themselves to declare martial law and were determined to disarm everyone. They did not limit their confiscation to the looters and rioters, but all law-abiding citizens as well. They even announced to the press that "No one shall be armed. Only law enforcement will be armed." Then they proceeded to go house to house and confiscated all legally owned and possessed firearms in New Orleans. People who were using their firearms simply for protection from looters and rioters were disarmed for the sake of "safety" according to the Mayor and the Chief of Police. In a situation of complete lawlessness the one right that you should be able to count on more than anything else should be your right to keep and bear arms, and the city of New Orleans stole that right away from their citizens. It is this right alone which protects and guarantees all the rest when government ceases to function efficiently.

Now, Wisconsin is not known for the types of hurricanes that ravaged New Orleans, but tornados have done their fair share of damage to this region, and can just as easily result in a similar situation. One only needs to look back to less than a year ago when a tornado demolished the town of Greensburg, KS. The citizens were evacuated from the town and all firearms were rounded up and locked away from the citizens of Greensburg. When they attempted to retrieve their property they were denied this request and given no reason for the confiscation other than safety and security. They weren't even given a time table for when and if their firearms would even be returned to them.

This situation can easily happen anywhere, which is why similar legislation has been passed or introduced in over 30 states. The United States Congress passed federal legislation preventing such types of confiscation by federal governmental and law enforcement agencies. AB 581 will mirror the federal legislation, but will clarify that no state or local governmental or law enforcement agency can confiscate your legally owned and possessed firearms, or in any way restrict your 2nd amendment rights during a declared state of emergency. To demonstrate how much support this bill already had among federal legislators in 2006, 7 out of 8 WI Congressman voted for the House bill with an overall House vote of 322-99 and both WI Senators voted for the Senate bill with an overall Senate vote of 84-16.

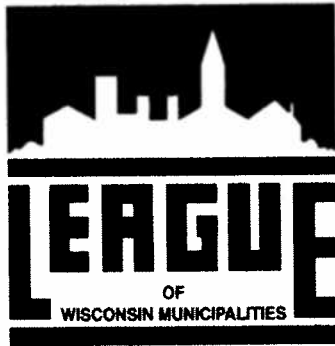
This crucial legislation has already seen nationwide support and I encourage this committee to support this bill and vote it favorably out of committee and to the Senate floor. I thank you for the opportunity to speak today and I would be happy to answer any questions you might have.

Sincerely,

A handwritten signature in black ink, appearing to read "Jordan Austin", written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Jordan Austin
Wisconsin State Liaison
NRA-ILA





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Madison, Wisconsin 53703-2715

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E-mail: league@lwm-info.org
www.lwm-info.org

To: Senate Committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Date: January 30, 2008
Re: AB 581, Limiting Emergency Powers

The League of Wisconsin Municipalities opposes AB 581, prohibiting municipalities from using emergency powers to restrict the possession, display or use of firearms.

Section 166.23 of the Wisconsin statutes empowers the governing body of any municipality, notwithstanding any other provision of law to the contrary, to declare, by ordinance or resolution, an emergency existing within the city, village or town whenever conditions arise "by reason of war, conflagration [fire], flood, heavy snow storm, blizzard, catastrophe, disaster, riot or civil commotion, acts of God, and including conditions, without limitation because of enumeration," which impair transportation, food or fuel supplies, medical care, fire, health or police protection or other vital facilities of the municipality.

The ordinance or resolution must limit the emergency period to the time during which the emergency conditions exist or are likely to exist.

The governing body's emergency power includes the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the municipality's health, safety, welfare and good order and includes, without limitation because of enumeration, the power to bar, restrict or remove all unnecessary traffic, both vehicular and pedestrian, from the local highways, notwithstanding any contrary provisions of law.

AB 581 would impose the first and only limitation on these broad emergency powers. The bill is too broad and interferes with the ability of municipalities to restore calm and protect law abiding citizens in times of civil unrest or other emergency situations. If this bill were to become law, a municipality facing an emergency would be unable to ban all firearms from the city streets for a limited period until calm was restored. This defies common sense.

The League urges you to vote against recommending passage of AB 581. Thanks for considering our comments.

STRONG COMMUNITIES MAKE WISCONSIN WORK



Memorandum



To: Senator Robert Wirsch, Chair
and Members of the Small Business, Emergency Preparedness, Workforce
Development, Technical Colleges and Consumer Protection

From: Alice O'Connor, on Behalf of Wisconsin Chiefs of Police Association

Re: Legislative Intent on AB 581

Date: 13 February 2008

Dear Senator Wirsch and Members of the Small Business, Emergency Preparedness,
Workforce Development, Technical Colleges and Consumer Protection:

On behalf of the Wisconsin Chiefs of Police Association (WCPA), we request that the
attached Legislative Council memo to Representative Gunderson from the Legislative
Reference Bureau attorney, Robin Ryan, dated December 4, 2007 be incorporated into the
official bill file for the permanent record.

When we met with the main author of the bill to express ongoing concerns with the ability of
law enforcement to be able to do their jobs in an emergency situation and protect the public
and law enforcement officials, Rep. Gunderson shared a copy of the attached memo. The
memo increased the comfort level of the Wisconsin Chiefs of Police Association as to the
legislative intent of AB 581. We had asked for a more formal inclusion of this memo in the
actual bill language, but were told that this memo alone would be sufficient. We were told
further amendments to the bill weren't necessary. The attached memo could be very
important should there ever be a court challenge.

Because this memo is only addressed to one lawmaker who has assured the WCPA that he
does not desire to harm the ability of law enforcement to do their job in the event of an
emergency, this memo serves as a formal request to make sure that the Senate Committee
places Rep. Gunderson's memo in the bill file. This memo would only become critical
should there be a legal challenge at some point in the future, likely from a citizen who feels
that a law enforcement official overstepped their authority in a declared state of emergency.

Copied on this memo is the Chair of the Wisconsin Chiefs of Police Legislative Committee,
Police Chief Doug Pettit.

Thank you!

AOC:rsg
070053

Legislative Intent AB 581 Mm

cc: Chief Doug Pettit, Wisconsin Chiefs of Police Association – Legislative Committee
Chair



Stephen R. Miller
Chief

State of Wisconsin

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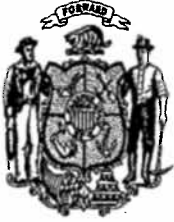
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