

SENATE HEARING SLIP

(Please Print Plainly)

DATE: FEB 9 99

BILL NO. 338

OF
SUBJECT FIREWORKS

WAYNE Schulte
(NAME)

W6984 610 TH. AVE.
(Street Address or Route Number)

Elmworth Wis 5401
(City and Zip Code)

Self / Wisconsin
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/9/00

BILL NO. SB 338

OF
SUBJECT _____

Gregg A. Cleveland, Fire Chief
(NAME)

412 E. Fowett St.
(Street Address or Route Number)

Marshfield, WI 54449
(City and Zip Code)

WI STATE FIRE CHIEFS' ASSOC
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-9-00

BILL NO. SB 338

OF
SUBJECT SALE & SHARING OF

FIREWORKS TO NON-RESIDENTS

KENYA TRIST
(NAME)

300 STANTZ AV
(Street Address or Route Number)

ASHLAND
(City and Zip Code)

WI STATE FIRE CHIEFS' ASSOC
(Representing)

Speaking in Favor:

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DATE: 2/9/00

BILL NO. SB 338

OR
SUBJECT _____

Tim Kluck

(NAME)

700 Edison St.

(Street Address or Route Number)

Antigo, WI 54409

(City and Zip Code)

City State Fire Chiefs Ass.

(Representing)

Speaking in Favor:

Speaking Against:

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DATE: 2-9-00

BILL NO. SB 338

OR
SUBJECT _____

Walter Hovey

(NAME)

213 E 5th S

(Street Address or Route Number)

Washburn WI 54891

(City and Zip Code)

Wis. State Fire Chief

(Representing)

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: Feb. 9 - 2000
BILL NO. # 338
OF
SUBJECT Treasury

James A. Villard
(NAME)
100 N. Church
(Street Address or Route Number)
Dickeyville Wis. 53808
(City and Zip Code)
Wis. State Firefighters Assn.
(Representing)

Speaking in Favor:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/9/2000
BILL NO. 338
OF
SUBJECT Autoworks

LARRY RYMER
(NAME)
617 4th Ave E
(Street Address or Route Number)
Duane Wis 54736
(City and Zip Code)
Wis State Firefighters
(Representing)

Speaking in Favor:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-9-00

BILL NO. SB388

OR
SUBJECT SALE & SHIPPING OF

Fireworks.

DAVID B Fulmer

(NAME)

5791 Lacey Rd

(Street Address or Route Number)

Fitchburg, WI 53711

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/9/00

BILL NO. SB 338

OR
SUBJECT ~~SALE & SHIPPING OF~~

Sen. Bob Wirth

(NAME)

2nd Sen. Dist

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: _____

BILL NO. AB 338

OR
SUBJECT _____

Alle O'Connell

(NAME)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

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State Capitol - B35 South
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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-7-2006

BILL NO. 338

OF
SUBJECT Firework

Hanny N Convent
(NAME)

105 Deauville St
(Street Address or Route Number)

Beloit Wis 53511
(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: February 9 2000

BILL NO. 338

OF
SUBJECT _____

Toed Blase
(NAME)

7409-98th Ave
(Street Address or Route Number)

Kenosha WI 53142
(City and Zip Code)

Village of Pleasant Prairie
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/9/00

BILL NO. SB 338

OF
SUBJECT _____

David Bloom
(NAME)

2120 Fish Hatchery Rd
(Street Address or Route Number)

Madison 53713
(City and Zip Code)

WI State Fire Chiefs Assoc
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
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(Please Print Plainly)

DATE: 2/9/00

BILL NO. 338
OR

SUBJECT _____

Blaiv W. Anderson
(NAME)

E5566 Jones Rd
(Street Address or Route Number)

Spring Green, WI 53588
(City and Zip Code)

Dept. of Natural Resources
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/9/2000

BILL NO. _____
OR
SUBJECT SP2338 / QB / GSS

Sen. Alice Cluskey
(NAME)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
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SENATE HEARING SLIP

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DATE: 2/9/00

BILL NO. SB 338
OR
SUBJECT _____

Scott R. Jensen
(NAME)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

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Madison, WI 53707-7882

MEMORANDUM

TO: Members of the Senate Committee on Economic Development, Housing,
and Government Operations

FROM: Wisconsin State Fire Chiefs Association

RE: Senate Bill 338 Is Bad Public Policy

DATE: February 9, 2000

Current Wisconsin law prohibits the sale of regulated fireworks to any person who does not hold a fireworks user's permit. There is an exception which covers sales of regulated fireworks "to a person outside of this state". On September 30, 1999, the Wisconsin Court of Appeals ruled in State v. Victory Fireworks, Inc. that this exception only permits a sale to a person who is physically located outside this state. The purpose of Senate Bill 338 is to reverse this important Court of Appeals decision.

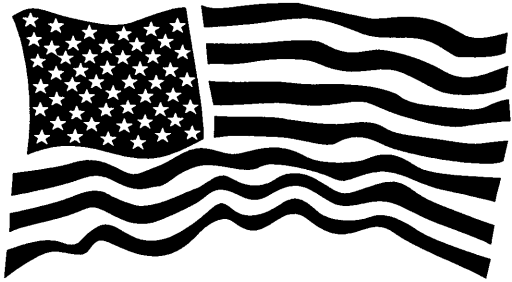
For the reasons stated herein, the members of the Wisconsin State Fire Chiefs Association believe that Senate Bill 338 is bad public policy:

*Under current law, if a resident fireworks dealer makes sales to non-residents under this section, the dealer is required to package and ship the fireworks to the non-resident at his or her address outside the state. This prevents the illegal use of those fireworks in this state. Under Senate Bill 338, the fireworks dealer would simply deliver the fireworks to the non-resident here in Wisconsin.

*As proposed in Senate Bill 338, non-residents of Wisconsin would be permitted to purchase and take delivery in Wisconsin of regulated fireworks which Wisconsin residents cannot purchase without a permit. Why should our law confer an additional privilege upon non-residents which is not conferred upon Wisconsin residents?

*Why do non-residents choose to purchase fireworks in Wisconsin? Many do so because they are prohibited from purchasing such items in their home states. Minnesota, for example, bans the use of most regulated fireworks. That's why so many of the fireworks dealers are located near the borders and along the interstate highways. The current law permits non-residents to purchase fireworks in Wisconsin that they cannot legally buy at home and at least requires that the items be delivered out-of-state.

*When the current law was enacted, it was viewed as a reasonable compromise between banning the sale of regulated fireworks to non-residents altogether and permitting non-residents to purchase such devices and take delivery of them here. Requiring the delivery to take place outside of Wisconsin reduces the likelihood that they will be used illegally here. This reasonable compromise was acceptable to the fireworks industry when it was enacted nearly 20 years ago, and it should remain acceptable today.



Wisconsin Fireworks Association

Larry Cornellier, President ★ Howard Christianson, Vice President

February 9, 2000

TO: Chairman Robert Wirth and Members of the Senate Committee on Economic Development, Housing and Government Operations

FR: Alice O'Connor
For the Wisconsin Fireworks Association

RE: Support for Senate Bill 338 ←

1995 Senate Bill 76 (Act 330) was signed into law on May 2, 1996. Section 167.10(4) provides that fireworks can be sold to "a person outside of this state or group granted a permit..." Senate Bill 338 was crafted in response to an Appeals Court decision literally interpreting the above language to mean that a fireworks buyer had to actually physically be outside of the State of Wisconsin when making a purchase.

The Appeals Court interpreted legislative intent through "the plain language of the law." Unfortunately, a poor choice of words was used in passing 1995 Wisconsin Act 330 – the term "a person outside of this state" was used instead of the better legal term "nonresident."

In passing Senate Bill 76 in 1995, it was clearly understood by the fireworks industry, the Legislature and Governor that the bill allowed Wisconsin fireworks wholesalers to sell fireworks to nonresidents for transport outside of the state.

Senate Bill 338 is a technical change to return Wisconsin law to what was intended in 1995 and to keep it consistent with that of neighboring states and federal law. This bill will not expand in any way the types of fireworks that may be sold in Wisconsin, nor will it affect the over 900 various local ordinances governing the sale of fireworks.

The many small businesses comprising the fireworks industry urge your support of this technical legislation.