

**1999 DRAFTING REQUEST**

**Bill**

Received: **04/27/99**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Frank Boyle (608) 266-0640**

By/Representing: **Mary Lou**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Munis - miscellaneous  
Counties**

Extra Copies: **RPN**

**Pre Topic:**

No specific pre topic given

**Topic:**

Repeal state prohibition of the regulation of firearms by political subdivisions.

**Instructions:**

See Attached. Base it on 1993 LRB -3890/4 (AB 69 and WI Act 72)

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 04/28/99	chanaman 04/28/99	martykr 04/30/99	_____	lrb_docadmin 04/30/99	lrb_docadminS&L 05/18/99	

FE Sent For:

*G 06-10-99*

<END>

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1/1	shoveme	CMM 1 4/28	KM 4/29	JF 4/30			

11 MES 4/27/99

FE Sent For:

<END>

## 1995 ASSEMBLY BILL 69

1 AN ACT *to create* 66.092 of the statutes; **relating to:** the regulation of firearms  
2 or parts of firearms by cities, villages, towns and counties.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 66.092 of the statutes is created to read:

4 **66.092 Local regulation of firearms.** (1) In this section:

5 (a) "Firearm" has the meaning given in s. 167.31 (1) (c).

6 (b) "Political subdivision" means a city, village, town or county.

7 (c) "Sport shooting range" means an area designed and operated for the practice  
8 of weapons used in hunting, skeet shooting and similar sport shooting.

9 (2) Except as provided in subs. (3) and (4), no political subdivision may enact  
10 an ordinance or adopt a resolution that regulates the sale, purchase, purchase delay,  
11 transfer, ownership, use, keeping, possession, bearing, transportation, licensing,  
12 permitting, registration or taxation of any firearm or part of a firearm, including  
13 ammunition and reloader components, unless the ordinance or resolution is the  
14 same as or similar to, and no more stringent than, a state statute.

1           (3) (a) Nothing in this section prohibits a county from imposing a sales tax or  
2 use tax under subch. V of ch. 77 on any firearm or part of a firearm, including ammu-  
3 nition and reloader components, sold in the county.

4           (b) Nothing in this section prohibits a city, village or town that is authorized  
5 to exercise village powers under s. 60.22 (3) from enacting an ordinance or adopting  
6 a resolution that restricts the discharge of a firearm.

7           (4) (a) Nothing in this section prohibits a political subdivision from continuing  
8 to enforce an ordinance or resolution that is in effect on the effective date of this sub-  
9 section .... [revisor inserts date], and that regulates the sale, purchase, transfer,  
10 ownership, use, keeping, possession, bearing, transportation, licensing, permitting,  
11 registration or taxation of any firearm or part of a firearm, including ammunition  
12 and reloader components, if the ordinance or resolution is the same as or similar to,  
13 and no more stringent than, a state statute.

14           (am) Nothing in this section prohibits a political subdivision from continuing  
15 to enforce until November 30, 1998, an ordinance or resolution that is in effect on the  
16 effective date of this paragraph .... [revisor inserts date], and that requires a waiting  
17 period of not more than 7 days for the purchase of a handgun.

18           (b) If a political subdivision has in effect on the day before the effective date of  
19 this paragraph .... [revisor inserts date], an ordinance or resolution that regulates  
20 the sale, purchase, transfer, ownership, use, keeping, possession, bearing, trans-  
21 portation, licensing, permitting, registration or taxation of any firearm or part of a  
22 firearm, including ammunition and reloader components, and the ordinance or reso-  
23 lution is not the same as or similar to a state statute, the ordinance or resolution shall  
24 have no legal effect and the political subdivision may not enforce the ordinance or  
25 resolution on or after the effective date of this paragraph .... [revisor inserts date].

1 (c) Nothing in this section prohibits a political subdivision from enacting and  
2 enforcing a zoning ordinance that regulates the new construction of a sport shooting  
3 range or when the expansion of an existing sport shooting range would impact public  
4 health and safety.

5 (5) A county ordinance that is enacted or a county resolution that is adopted  
6 by a county under sub. (2) or a county ordinance or resolution that remains in effect  
7 under sub. (4) (a) or (am) applies only in those towns in the county that have not  
8 enacted an ordinance or adopted a resolution under sub. (2) or that continue to  
9 enforce an ordinance or resolution under sub. (4) (a) or (am), except that this subsec-  
10 tion does not apply to a sales or use tax that is imposed under subch. V of ch. 77.

11 (END)

**1995 ASSEMBLY BILL 69**

January 30, 1995 – Introduced by Representatives JOHNSRUD, FOTI, DOBYNS, NASS, FREESE, MUSSER, OTT, JENSEN, TURNER, VRAKAS, GROTHMAN, WARD, PORTER, MEYER, KAUFERT, GARD, GOETSCH, SILBAUGH, HAHN, BRANDEMUEHL, KREIBICH, SPRINGER, SERATTI, SKINDRUD, GREEN, DUFF, ALBERS, COLEMAN, GRONEMUS, OTTE, HANDRICK, WOOD, LADWIG, HOVEN and LEHMAN, cosponsored by Senators ANDREA, RUDE, BRESKE, DECKER, DRZEWIECKI, MOEN, SCHULTZ and ZIEN. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to create** 66.092 of the statutes; **relating to:** the regulation of firearms  
2 by cities, villages, towns and counties.

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*Analysis by the Legislative Reference Bureau*

This bill prohibits any city, village, town or county (political subdivision) from enacting an ordinance that regulates firearms in a way that is more stringent than state law. A political subdivision that has in effect on the effective date of this bill an ordinance that regulates firearms may continue to enforce that ordinance if the ordinance is the same as or similar to a state statute. Also under the bill, a county ordinance only applies in those towns in the county that do not have in effect an ordinance that regulates firearms.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 **SECTION 1.** 66.092 of the statutes is created to read:

4 **66.092 Local regulation of firearms.** (1) In this section:

5 (a) "Firearm" has the meaning given in s. 167.31 (1) (c).

6 (b) "Political subdivision" means a city, village, town or county.

7 (2) Except as provided in subs. (3) and (4), no political subdivision may enact  
8 an ordinance or adopt a resolution that regulates the sale, purchase, purchase delay,

1 transfer, ownership, use, keeping, possession, bearing, transportation, licensing,  
2 permitting, registration or taxation of any firearm unless the ordinance or resolution  
3 is the same as or similar to, and no more stringent than, a state statute.

4 (3) Nothing in this section prohibits a county from imposing a sales tax or use  
5 tax under subch. V of ch. 77 on any firearm sold in the county.

6 (4) (a) Nothing in this section prohibits a political subdivision from continuing  
7 to enforce an ordinance or resolution that is in effect on the effective date of this  
8 subsection .... [revisor inserts date], and that regulates the sale, purchase, purchase  
9 delay, transfer, ownership, use, keeping, possession, bearing, transportation,  
10 licensing, permitting, registration or taxation of any firearm if the ordinance or  
11 resolution is the same as or similar to, and no more stringent than, a state statute.

12 (b) If a political subdivision has in effect on the day before the effective date of  
13 this paragraph .... [revisor inserts date], an ordinance or resolution that regulates  
14 the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession,  
15 bearing, transportation, licensing, permitting, registration or taxation of any  
16 firearm and the ordinance or resolution is not the same as or similar to a state  
17 statute, the ordinance or resolution shall have no legal effect and the political  
18 subdivision may not enforce the ordinance or resolution on or after the effective date  
19 of this paragraph .... [revisor inserts date].

20 (5) A county ordinance that is enacted or a county resolution that is adopted  
21 by a county under sub. (2) or a county ordinance or resolution that remains in effect  
22 under sub. (4) (a) applies only in those towns in the county that have not enacted an  
23 ordinance or adopted a resolution under sub. (2) or that continue to enforce an



1 ordinance or resolution under sub. (4) (a), except that this subsection does not apply  
2 to a sales or use tax that is imposed under subch. V of ch. 77.

3 (END)



cmf

# 1999 BILL

1 AN ACT ... relating to: the regulation of firearms by cities, villages, towns and  
2 counties.

### *Analysis by the Legislative Reference Bureau*

In general, under current law, no city, village, town or county (political subdivision) may enact an ordinance or adopt a resolution that regulates the sale, purchase, purchase delay, transfer, ownership, use, keeping possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloader components, unless the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute. Current law also allows a political subdivision to continue to enforce local firearm regulations that were in effect before the general prohibition on local firearms regulations took effect if such regulations are the same as or similar to, and no more stringent than, a state statute.

5

Current law does not prohibit a county from imposing a sales tax on any firearm or part of a firearm that is sold in the county, nor does it prohibit cities, villages and towns that exercise village powers from regulating the discharge of a firearm. Also under current law, a political subdivision may enact and enforce a zoning ordinance that regulates the new construction of a sport shooting range or the expansion of an existing sport shooting range. Any county ordinance or resolution that may be enacted under current law applies only in those towns in the county that have not enacted or adopted, or continued to enforce, allowable firearms regulations.

This bill repeals the prohibitions against a political subdivision enacting an ordinance or adopting a resolution regulating firearms in a way that is inconsistent with, or more stringent than, a state statute.

**BILL**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 1           SECTION 1. 66.092<sup>X</sup> of the statutes is repealed.
- 2           SECTION 2. 895.527<sup>X</sup> (5) (b) of the statutes is amended to read:
- 3           895.527 (5) (b) ~~Section 66.092 (3) (b) or any~~ Any ordinance or resolution.

History: 1997 a. 242.

(END)

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 4/30/99

**To:** Representative Boyle

**Relating to LRB drafting number:** LRB-2993

**Topic**

Repeal state prohibition of the regulation of firearms by political subdivisions.

**Subject(s)**

Munis - miscellaneous, Counties

1. **JACKET** the draft for introduction Frank Boyle  
in the **Senate** \_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.  
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.  
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Marc E. Shovers, Senior Legislative Attorney  
Telephone: (608) 266-0129