

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0943/1dn

RJM:jld:km

November 20, 2000

Mary Matthias:

Attached, please find the fireworks draft you requested on behalf of Representative Steinbrink. As you review the draft, please note the following issues and let me know if you desire any changes:

A. You requested that this bill require a municipal fire official to sign each fireworks permit. It was unclear to me whether you intended to allow the fire official to sign permits in advance, or require the fire official to sign each permit that the fire official approves. This draft requires the fire official to approve and sign each permit before it is issued. See proposed s. 167.10 (3) (cm) 2.

This new requirement caused me to include another statutory change. Currently, s. 167.10 (3) (g) states that a municipal fire official or officer must be given a copy of each permit at least two days before the authorized use of the fireworks. This statute has two effects: it requires a fire or law enforcement official to be given a copy of each permit and it prohibits a municipality from issuing a permit if less than two days remain before the authorized use of the fireworks. Because the draft requires a fire official to approve and sign each permit, it seemed logical to also require the fire official to retain a copy of each permit approved and signed. See proposed s. 167.10 (3) (cm) 2. In addition, the draft retains the ban on permits issued less than two days before the date of the authorized use of the fireworks. See proposed s. 167.10 (3) (cm) 3.

B. You requested that a municipality be allowed to issue a group permit only to one individual who has been a member of the group for at least six months and who is authorized to act on behalf of the group. Please review proposed s. 167.10 (3) (i) 1., which requires the individual to provide reasonable proof that these new requirements are satisfied. It was unclear to me, though, what was intended with regard to limiting the group permit to one individual. Please review proposed s. 167.10 (3) (i) 2. and let me know if I have missed the mark.

C. The liability provision in proposed s. 167.10 (7) (b) covers liability for damages, injuries, and death. Please let me know if this provision is broader than you intend.

D. The draft includes an initial applicability provision that grandfather any existing permits and that clarifies when the new liability provision first applies.

E. The draft updates the provisions that apply to mayors to also apply to city managers.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us