

**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  
\*\*

( )

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

Date: 3-5-08

Moved by: Kuta

Seconded by: Roessler

AB 590

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  
590

Be recommended for:

- Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrence

Committee Member

**Senator Robert Wirch, Chair**

Aye    No    Absent    Not Voting

**Senator Tim Carpenter**

**Senator Jeffrey Plale**

**Senator Neal Kedzie**

**Senator Carol Roessler**

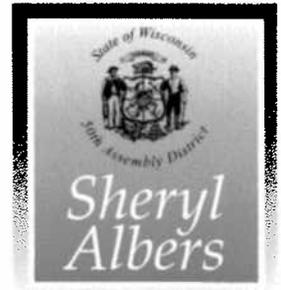
**Totals:**    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_

Motion Carried

Motion Failed



225 NW  
Rep. Albers -



January 8, 2008

Senator Bob Wirth, Chairperson  
Senate Committee on Small Business, Emergency Preparedness, Workforce Development,  
Technical Colleges and Consumer Protection  
Room 317 East  
State Capitol

Dear Senator Wirth,

I respectfully ask that you hold a public hearing and take executive action as soon as possible on Assembly Bill 590 relating to authorizing a sheriff to depute certain security officers who are employed by the department of military affairs. AB 590 was passed out of the Assembly Committee on Homeland Security and State Preparedness 7-1 and then on a voice vote out of the Assembly.

This proposal is particularly timely as we now have learned that Volk Field will be very, very busy in the near future handling transportation for our military troops headed to Iraq. I call your attention to the article from Channel 3000 copied below:

**Madison-Area U.S. Army Unit Alerted To Possible Iraq Mission**

***Unit Includes Soldiers From 36 Communities***

UPDATED: 6:44 pm CST December 3, 2007

**MADISON, Wis.** -- Wisconsin's U.S. Army 32nd Infantry Brigade Combat Team has been alerted for a possible mission to Iraq in 2009

The U.S. Department of Defense is putting the unit on alert now so that they can begin to prepare. They would be assigned a security force mission in Iraq, WISC-TV reported.

The unit includes more than 3,400 soldiers.

The group would serve along with brigades from Oregon and Mississippi. The current plan is for the soldiers to do base defense and route security in Iraq and Kuwait in the summer of 2009.

Guard spokesman Lt. Col. Tim Donovan said that the advance alerts help provide predictability for families and flexibility for businesses to plan for their employees' service.

The unit includes members from 36 area communities, including Madison, Janesville, Portage and Baraboo.

I am told this means 3200 Wisconsin troops will be deployed flying out of Volk Field. Security of our troops is crucial and this bill will benefit our troops and the counties that surround our military bases. Thank you for your consideration and prompt response to my request.

Sincerely,

Sheryl K. Albers  
State Representative

SKA:tsg



**CORRESPONDENCE/MEMORANDUM**



**STATE OF WISCONSIN**

**DEPARTMENT OF MILITARY AFFAIRS**  
**OFFICE OF THE ADJUTANT GENERAL**  
**EXECUTIVE ASSISTANT**  
**POST OFFICE BOX 8111**  
**MADISON, WI 53708-8111**

**DATE:** January 30, 2008

**TO:** Chair Senator Wirch, Members on the Committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection

**FROM:** COL (Ret) Larry L. Olson  
Executive Assistant  
Department of Military Affairs

**SUBJECT:** Information on Assembly Bill 590

Good morning Chairman Wirch and members of the Senate Committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection. I am Larry Olson (COL-Ret) the Executive Assistant at the Department of Military Affairs. With me today is Lt Col Julio Barron who leads the legal staff at the Department.

Brig Gen Dunbar passes on his thanks for the support this committee provides to all of Wisconsin's service members, and your work in Emergency Preparedness.

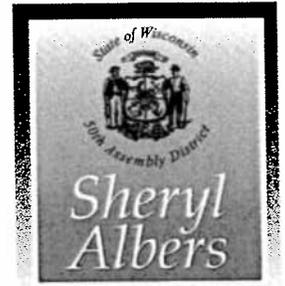
We face the largest mobilization of the Wisconsin Army National Guard since the Berlin Crisis. The 32d Brigade Combat Team, which consists of over 3,400 soldiers from 36 Wisconsin communities prepares for their deployment in 2009. The passage of AB 590, will add needed protection and security for forces flying in and out of our National Guard Air Bases such as Volk Field.

This bill creates new law, which is permissive in nature allowing a sheriff to deputize state defense forces employed at Air National Guard Bases and military installations. The ability to deputize forces is critical for protection of military personnel and assets from threats outside the perimeter of a military installation or Air Base in this state.

AB 590 will allow the augmentation of a sheriff's department by deputizing state defense forces to protect state and federal military personnel and assets on military installations and Air Bases from threats, which may exist outside the perimeter of the installation or Air Bases.

We thank you for your time and commitment to our Wisconsin service members. We are here to answer any questions you may have. Thank you.





Assembly Bill 590  
Senate Committee on Small Business, Emergency Preparedness,  
Workforce Development, Technical Colleges and Consumer Protection  
400 SE. State Capitol  
January 30, 2008

Chairman Wirch and committee members, thank you for holding a public hearing on Assembly Bill 590. Juneau County Sheriff Brent Oleson approached me several months ago, informing me that the conceal carry laws prevented military personnel on duty from leaving Volk Field with loaded weapons to patrol the area located on the other side of the fence that surrounds the perimeter of the base.

As you may be aware, Volk Field is subject to split jurisdiction, as part of the property is owned by the state, while the other part is owned by the federal government. Volk is used for a variety of training purposes, with focus on training of pilots. There is also a considerable amount of property stored on this particular base, and for that reason the base was contained on the list of military bases warranting high risk and additional funding for protection by Congress.

Much of the land base surrounding Volk Field is used as hunting or recreational land, with some areas having no roads or only dirt roads. The property outside the fence of Volk Field is primarily privately owned, with many residences on the base's southernmost border, including the Village of Camp Douglas, as well as other scattered residences.

Sheriff Oleson and the Juneau County Sheriff's Department employees are unfortunately kept extraordinarily busy dealing with crime wholly unrelated to Volk Field. Much of the area surrounding Volk Field, being recreational property, would be difficult to patrol; and the JCSD has no vehicle suited to accommodate patrolling these areas – which are private property. The military however, has vehicles and has trained individuals who are able to patrol the fence perimeter, but to patrol the exterior area – that outside the fence, these trained individuals would be obligated by law, to leave their weapons behind on base.

This bill -- AB 590 -- is offered to accommodate the Sheriff's desire to ensure that the area outside the fence is scrutinized and patrolled regularly, as it allows the sheriff to deputize certain security officers who are employed by the Department of Military Affairs (DMA). By deputizing individuals who are employees of the military, loaded weapons may be carried with them outside the fenced area at Volk Field in order to perform the task of patrolling property that lies outside of the fence. DMA supports this change in the law, as officials understand there to be a need to assist local law enforcement with overall base security – which cannot be just from the inside out.

Under the bill Juneau County would essentially be held harmless, though the persons patrolling would be “deputies” of the Sheriff's department while engaged in this activity off base.

Assembly Amendment 1 by the Assembly Homeland Security Committee clarifies that protection is for state and federal property and personnel and that patrolling at or near the base (outside the fence) is authorized. It includes language to cover aircraft conducting air

operations at or near the base to cover our troops coming home or heading off to overseas missions.

Assembly Bill 590 is a vital policy change. Patrolling the perimeter of Volk Field is a significant task and allowing military personnel to assist is beneficial to the health and welfare of area residents in addition to ensuring that property and training are not compromised.

Senator Schultz and I hope that you will understand the need to avoid delays and to move this bill forward. I thank you for your kind attention.





**CORRESPONDENCE/MEMORANDUM**

**STATE OF WISCONSIN**

**DEPARTMENT OF MILITARY AFFAIRS  
OFFICE OF THE ADJUTANT GENERAL  
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AB 590  
No Date

Larry Olsen from Department of Military Affairs (DMA) responded to some questions that have arisen:

Under current law, if there were a credible threat against a military installation or aircraft carrying troops – wouldn't the Governor or President already have the ability to have members of the National Guard or other units of the military patrol an area outside of the military installation?

Yes, however, the Governor would have to declare a state of emergency or the President would have to call troops to active duty in order to do so. In both cases, this is an expensive and time consuming process that is not suited to the situation at installations like Volk field (according to DMA). The bill is not intended to permit active duty troops to respond to issues outside of the military installation. It is intended to permit security officers employed by DMA, that are state employees, not military personnel, to patrol and respond to areas just outside of the military installation that the Sheriff does not have the equipment or funding to patrol. (This is also according to the DMA.)

I think the pertinent issue here is that the bill authorizes the deputization of security officers employed by the DMA (as state employees), it does not refer to military or national guard police forces.

Can a Governor or President, under current law, simply order patrols to be made by the military members, outside of the perimeter of an installation, during landings and takeoffs when aircraft are more vulnerable?

As mentioned above, yes, if the Governor declares a state of emergency or the president activates troops for that purpose. However, the DMA indicates that both of these options are impractical for situations like that at Volk field.

With the exception of military investigative services, are uniformed members of the military presently allowed to carry concealed weapons on military installations?

According to the DMA, No.

If there are employees of the Department of Military Affairs that carry weapons at Volk Field and other installations, do they presently carry those weapons in plain sight or concealed?

The state security officers employed by the DMA carry their weapons in plain sight.

Have there been any incidents of military troop transport aircraft being subjected to rifle or other weapons fire in Wisconsin or other states?

According to the DMA, no such incidents have occurred in Wisconsin and they are not aware of any such incidents elsewhere in the U.S. The impetus for this bill was an issue identified by the sheriff of Juneau County who had received notice that individuals were taking pictures of aircraft movements from the bluffs in the area that are just outside the boundaries of the installation. The Sheriff indicated that he did not have the vehicles to patrol the exterior of the installation due to dirt roads or a general lack of roads. The Volk field security officers have access to the proper vehicles to patrol such areas, but feel they do not have jurisdiction to patrol the areas outside of the installation without statutory authority.

Under AB 590, what distance outside a military installation would a deputized DMA employee be allowed to patrol? (Assumption is anywhere in the county).

A deputized DMA security officer would generally only have jurisdiction to patrol areas within the county of jurisdiction of the deputizing sheriff. In the case of Volk Field, this could include all of Juneau County. In addition, a sheriff's deputy may leave the county and pursue a suspect anywhere in the state when in *fresh pursuit* of the individual. [See s. 175.40 (2), Stats.] To determine whether an officer is in *fresh pursuit*, the following three criteria are used:

1. Whether the officer acted without unnecessary delay;
2. Whether pursuit is continuous;
3. Whether the time periods were reasonable. [See *City of Brookfield v. Collar*, 148 Wis. 2d 839 (Ct. App. 1989).]

Thus, a deputized security officer could, under specified circumstances extend pursuit beyond the county, but must generally remain within the limits of the state.