

ASSEMBLY BILL 748 (LRB -2557)

An Act to amend 167.31 (4) (a) 4. (intro.) and 167.31 (4) (b); and to create 167.31 (1) (at), 167.31 (1) (et), 167.31 (3m) and 167.31 (4) (h) of the statutes; relating to: discharging a firearm in the direction of an electric transmission facility and providing a penalty. (FE)

2005

- 02-14. A. Introduced by Representatives **Van Roy, Gard, Gunderson, Montgomery, Krawczyk, Bies, McCormick, Hahn, Vos, Musser, Albers, Owens, Nerison, Hines and Ott**; cosponsored by Senators **Cowles and Hansen**.
- 10-11. A. Read first time and referred to committee on Energy and Utilities 520
- 12-20. A. Public hearing held.

2006

- 01-17. A. Fiscal estimate received.
- 01-17. A. Executive action taken.
- 01-17. A. Assembly amendment 1 offered by committee on Energy and Utilities (**LRB a1986**) 728
- 01-19. A. Report Assembly Amendment 1 adoption recommended by committee on Energy and Utilities, Ayes 11, Noes 0 729
- 01-19. A. Report passage as amended recommended by committee on Energy and Utilities, Ayes 11, Noes 0 729
- 01-19. A. Referred to committee on Rules 729
- 01-26. A. Placed on calendar 1-31-2006 by committee on Rules.
- 01-31. A. Read a second time 773
- 01-31. A. Assembly amendment 1 **adopted** 773
- 01-31. A. Ordered to a third reading 773
- 02-02. A. Read a third time and **passed** 784
- 02-02. A. Ordered immediately messaged 784
- 02-03. S. Received from Assembly 582
- 02-03. S. Read first time and referred to committee on Energy, Utilities and Information Technology 583
- 02-14. S. Public hearing held.
- 02-14. S. Executive action taken.
- 02-16. S. Report concurrence recommended by committee on Energy, Utilities and Information Technology, Ayes 5, Noes 0.
- 02-16. S. Available for scheduling.
- 02-16. S. Placed on calendar 2-21-2006 by committee on Senate Organization.
- 02-21. S. Read a second time.
- 02-21. S. Ordered to a third reading.
- 02-21. S. Rules suspended.
- 02-21. S. Read a third time and **concurred in**.
- 02-21. S. Ordered immediately messaged.
- 02-21. A. Received from Senate concurred in 823

SB

**2005
ENROLLED BILL**

05en A B- 748

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05-2557/13

Amendments to above (if none, write "NONE"): AA-1 - a 1986/1

Corrections - show date (if none, write "NONE"): None

Topic Relating

2/23/06
Date

JR Miller
Enrolling Drafter

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2005 ASSEMBLY BILL 748

October 11, 2005 - Introduced by Representatives VAN ROY, GARD, GUNDERSON, MONTGOMERY, KRAWCZYK, BIES, MCCORMICK, HAHN, VOS, MUSSER, ALBERS, OWENS, NERISON, HINES and OTT, cosponsored by Senators COWLES and HANSEN. Referred to Committee on Energy and Utilities.

1 **AN ACT to amend** 167.31 (4) (a) 4. (intro.) and 167.31 (4) (b); and **to create** 167.31
 2 (1) (at), 167.31 (1) (et), 167.31 (3m) and 167.31 (4) (h) of the statutes; **relating**
 3 **to:** discharging a firearm in the direction of an electric transmission facility and
 4 providing a penalty.

INSERT 1-1 or telecons

Analysis by the Legislative Reference Bureau

Under current law, a person is prohibited from discharging a firearm from a vehicle or motorboat with the motor running, from or across a roadway, or from an aircraft. This bill prohibits a person from discharging a firearm in the direction of power lines or towers or other structures used to transmit electricity to the public (electric transmission facility). If the person does so and causes damage, the person is subject to a forfeiture and will have his or her hunting licenses revoked for one year. In addition, the court must order that the defendant pay for the cost of repairing or replacing the electric transmission facility. The bill exempts certain persons from this prohibition, including law enforcement officers and scientific collectors.

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

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

5

SECTION 1. 167.31 (1) (at) of the statutes is created to read:

1-2

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SECTION 1

167.31 (1) (at) "Electric transmission facility" means any pipe, pipeline, duct, wire, cable, line, conduit, pole, tower, equipment, or other structure used to transmit or distribute electricity to or for the public.

1-3

SECTION 2. 167.31 (1) (et) of the statutes is created to read:

167.31 (1) (et) "Private security person" has the meaning given in s. 440.26 (1m)

(h).

INSERT 1-4 2r

SECTION 3. 167.31 (3m) of the statutes is created to read:

167.31 (3m) PROHIBITIONS; ~~ELECTRIC~~ TRANSMISSION FACILITIES. (a) Except as provided in sub. (4) (b) and (h), no person may intentionally discharge a firearm in the direction of an electric transmission facility.

1-5

INSERT 1-6

(b) A person who violates par. (a) and causes damage to an electric transmission facility is subject to a forfeiture of not more than \$100.

INSERT 1-7

(c) In addition to any forfeiture imposed under par. (b), the court shall revoke any hunting license under ch. 29 that is issued to the person found in violation for a period of one year.

(d) In addition to any forfeiture imposed under par. (b) and the revocation required under par. (c), the court shall enter a restitution order that requires the defendant to pay to the owner of the electric transmission facility the reasonable cost of the repair or replacement of the electric transmission facility.

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SECTION 4. 167.31 (4) (a) 4. (intro.) of the statutes is amended to read:

167.31 (4) (a) 4. (intro.) A private security person, as defined in s. 440.26 (1m), who meets all of the following requirements:

SECTION 5. 167.31 (4) (b) of the statutes is amended to read:

167.31 (4) (b) Subsections (2) (a), (b) and (c) and, (3) (a) and (b), and (3m) do not apply to the holder of a scientific research license under s. 169.25 or a scientific

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1 collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an
2 activity related to the purpose for which the license or permit was issued.

3 **SECTION 6.** 167.31 (4) (h) of the statutes is created to read:

4 167.31 (4) (h) Subsection (3m) does not apply to any of the following who

5 discharge a firearm in the direction of an ~~electric transmission~~ facility:

INSERT 1-10
a TRANSMISSION

- 6 1. A member of the armed forces in the line of duty.
- 7 2. A member of the national guard in the line of duty.
- 8 3. A peace officer in the line of duty.
- 9 4. A private security person who meets all of the requirements under par (a)
- 10 4.

11 **SECTION 7. Effective date.**

12 (1) This act takes effect on the first day of the 7th month beginning after
13 publication.

14 (END)

**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 748**

January 17, 2006 - Offered by COMMITTEE ON ENERGY AND UTILITIES.

1 At the locations indicated, amend the bill as follows:

1-1

2 **1.** Page 1, line 3: after "electric" insert "or telecommunications".

3 **2.** Page 1, line 5: delete that line.

4 **3.** Page 2, line 1: delete lines 1 to 3.

5 **4.** Page 2, line 6: after that line insert:

1-4

6 "SECTION 2r. 167.31 (1) (fr) of the statutes is created to read:

7 167.31 (1) (fr) "Transmission facility" means any pipe, pipeline, duct, wire,
8 cable, line, conduit, pole, tower, equipment, or other structure used to transmit or
9 distribute electricity to or for the public or to transmit or distribute communications
10 or data to or from the public."

11 **5.** Page 2, line 8: delete "ELECTRIC".

12 **6.** Page 2, line 10: delete "an electric transmission" and substitute "a
13 transmission".

1-6



1-7

1 **7.** Page 2, line 11: delete "an electric transmission" and substitute "a
2 transmission".

3 **8.** Page 2, line 18: delete "electric".

4 **9.** Page 2, line 19: delete "electric".

1-10

5 **10.** Page 3, line 5: delete "an electric transmission" and substitute "a
6 transmission".

7 **(END)**