

2005 DRAFTING REQUEST

Bill

Received: **03/24/2005**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Karl Van Roy (608) 266-0616**

By/Representing: **Eric Bott**

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

Drafter: **mglass**

May Contact:

Adtl. Drafters:

Subject: **Nat. Res. - fish and game
Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.VanRoy@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Shooting at electric transmission or distribution equipment

Instructions:

See Attached

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>
/?				_____			S&L
/1	mglass 05/12/2005	kfollett 05/17/2005	pgreensl 05/17/2005	_____	lnorthro 05/17/2005		S&L
/2	mglass 07/11/2005	kfollett 07/20/2005	pgreensl 07/20/2005	_____	lnorthro 07/20/2005		S&L
/3	mglass 07/28/2005	kfollett 07/28/2005	rschluet 07/28/2005	_____	lnorthro 07/28/2005	mbarman 09/09/2005	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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/2	mglass 07/11/2005	kfollett 07/20/2005	pgreensl 07/20/2005	_____	Inorthro 07/20/2005		

FE Sent For:

131gf
7/28
4285 SF

<END>

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Wanted: As time permits

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For: Karl Van Roy (608) 266-0616

By/Representing: Eric Bott

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Drafter: mglass

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Buildings/Safety - misc.

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/?							S&L
/1	mglass 05/12/2005	kfollett 05/17/2005	pgreensl 05/17/2005	<u>1</u>	lnorthro 05/17/2005		

FE Sent For:

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7/20

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/?	mglass	1/1 KJf 5/1/05	5/1/05 P8	5/1/05 P8/05			

FE Sent For:

<END>

Gibson-Glass, Mary

From: Hanaman, Cathlene
Sent: Monday, March 21, 2005 11:51 AM
To: Gibson-Glass, Mary; Kite, Robin
Subject: FW: DRAFTING REQUEST: DISCHARGING A FIREARM AT AN ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITY AND PROVIDING A PENALTY.

Robin/Mary:

I did a similar draft last session 03-3703--if you want the definition for the electric transmission or distribution facility courtesy of MDK. But I do not think this request is mine because he no longer wants a criminal penalty. So I think it belongs to you.

Eric says that Green Bay has had many instances of power lines damaged because people are shooting at birds. The cost runs about \$40,000 each hit. The rep mainly wants to bring attention to the matter and does not want to make the hunters look bad.

I have another e-mail from him that I will forward to you.

Call Eric with any questions.

-----Original Message-----

From: Rep.Van Roy
Sent: Monday, March 21, 2005 11:27 AM
To: LRB.Legal
Cc: Kunkel, Mark; Hanaman, Cathlene
Subject: DRAFTING REQUEST: DISCHARGING A FIREARM AT AN ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITY AND PROVIDING A PENALTY.

Please see attached drafting request and have drafter contact Eric Bott in my office prior to drafting this bill.



MEMO - Trans Lines
Bill Reques...

TO: LRB-DRAFTING
FROM: REP. VAN ROY

DATE: MARCH 21ST, 2005

**RE: DISCHARGING A FIREARM AT AN ELECTRIC TRANSMISSION OR
DISTRIBUTION FACILITY AND PROVIDING A PENALTY.**

Please draft a bill creating: a person who discharges a firearm in the direction of an electric transmission or distribution facility and causes damage shall have their hunting license (not fishing, clamming, taxidermist, wild rice collecting, or wild ginseng hunting, just regular old hunting) revoked for one year.

Please contact Eric Bott in my office prior to drafting this bill.

Thank you.

Gibson-Glass, Mary

From: Hanaman, Cathlene
Sent: Monday, March 21, 2005 11:52 AM
To: Gibson-Glass, Mary; Kite, Robin
Subject: FW: DRAFTING REQUEST: DISCHARGING A FIREARM AT AN ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITY AND PROVIDING A PENALTY.

-----Original Message-----

From: Bott, Eric
Sent: Monday, March 21, 2005 11:45 AM
To: Hanaman, Cathlene
Subject: RE: DRAFTING REQUEST: DISCHARGING A FIREARM AT AN ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITY AND PROVIDING A PENALTY.

Here is the list from PSC:

10/13/94 Shotgun Blast - Over Embarrass River - Replace
and splice Fiber Optic - Str 682
11/29/04 Trap Shooter - Replace and splice Fiber Optic -
Str 486
03/15/95 22 Rifle Damage - Replace and Splice Fiber Optic
Cable (Window shooter) - Str 713
07/29/95 22 Rifle damage - Replace and splice Fiber Optic
Str 734
09/27/96 22 Rifle damage - Replace and splice Fiber Optic
(Swallow Shooter) Str 682
02/24/97 Shotgun Blast - Over Comet Creek - Replace and
splice Fiber Optic - Str 682
10/15/01 Shotgun Blast - Replace and splice Fiber Optic
(Shawno Cty Shooter) Str 609
11/08/01 22 Rifle damage - Replace and splice Fiber Optic
(Swallow Shooter #2) Str 682
01/15/02 Shotgun Blast - City Of Howard - Replace and
splice Fiber Optic - (Goose shooter) Str 51

a) In one case which we call the swallow shooter (09/27/96) Law enforcement (Detectives from Marathon County) did the investigation but could not charge the individual with any law being broken. We ended up taking the guy to court to obtain damages, because we felt there was enough evidence. The judge ruled in our favor, for about \$17,000. To date we have recovered very little of the damages awarded to us. The individual did not have homeowners insurance which in most cases covers unintentional damage like a baseball thru a picture window. We again had gunshot damage five years later in almost exactly the same spot in 2001 (within 50 feet). We were not able to determine exactly when the incident occurred as one of the fibers not in use was damaged. We became aware of the damage sometime later thru routine testing of the system. With no date we had nothing to go on to determine who did it.

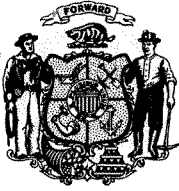
b) In the other case which we call the Goose shooter, the damage occurred on private posted property within a hundred yards of the property owners house. We knew to the minute when the damage happened and we were able to get law enforcement involved. Law enforcement wrote

up the police report and said 'no laws were broken, it was an accident', and we would have to pursue recovery on our own which we did. This particular person had homeowners and we negotiated with the claim adjuster over three years and finally ended up recovering \$24,438.00. Our actual cost to fix this damage was \$48,228.29.

Most of the gunshot damage involves people either shooting birds roosting on our transmission line or they are shooting at a goose or duck flying thru our power lines and they accidentally hit the fiber optic cable.

This is why we feel it is important that the law should somehow state 'Whoever intentionally discharges a firearm in the direction of electric transmission equipment, and as a result of the firearm discharge, causes damage to the electric transmission equipment etc'.

Our number one concern is safety. When a person shoots a 22 rifle at a bird on a transmission line no-one knows where the projectile will go or who or what it may ultimately hit. With a 22 caliber rifle the projectile could travel up to a mile or more. Our second concern is the cost of the repairs which ultimately is passed on to the ratepayer.



State of Wisconsin
2005 - 2006 LEGISLATURE

RMR
LRB-2557/2 1
MGG: kjf

D-Note 5/31/05

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen

1 AN ACT ...; relating to: discharge^{ing} a firearm in the direction of an electric
2 transmission facility and providing a penalty.

Analysis by the Legislative Reference Bureau

X 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. 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. 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:

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

4 167.31 (1) (at) "Electric transmission facility" means any pipe, pipeline, duct,

5 wire, line, conduit, pole, tower, equipment, or other structure used to transmit or

6 distribute electricity to or for the public.

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

2 167.31 (1) (em) "Private security person" has the meaning given in s. 440.26

3 (1m) (h)

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

5 167.31 (3m) PROHIBITIONS; ELECTRIC TRANSMISSION FACILITIES: (a) Except as

6 provided in sub. (4) (b) and (h), no person may cause intentionally discharge a firearm

7 in the direction of an electric transmission facility.

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

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

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

14 167.31 (4) (a) 4. (intro.) A private security person, as defined in s. 440.26 (1m),
15 who meets all of the following requirements:

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

17 167.31 (4) (b) Subsections (2) (a), (b) and (c) and (3) (a) and (b), and (3m) do not
18 apply to the holder of a scientific research license under s. 169.25 or a scientific
19 collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an
20 activity related to the purpose for which the license or permit was issued.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326.

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

22 167.31 (4) (h) Subsection (3m) does not apply to any of the following who
23 discharge a firearm in the direction of an electric transmission facility:

24 1. A member of the armed forces in the line of duty.

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

5

(END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2557/3dn
MGG:kjg

Date

1. I added the exemptions that currently exist under s. 167.31[✓] and that made sense for persons shooting at electric transmission facilities. Please review carefully.
2. The weapons surcharge will apply to forfeitures for shooting at transmission facilities. See 167.31 (5). OK?
3. Do you want a delayed effective date?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2557/1dn
MGG:kjf:pg

May 17, 2005

1. I added the exemptions that currently exist under s. 167.31 and that made sense for persons shooting at electric transmission facilities. Please review carefully.
2. The weapons surcharge will apply to forfeitures for shooting at transmission facilities. See 167.31 (5). OK?
3. Do you want a delayed effective date?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Bott, Eric
Sent: Tuesday, July 05, 2005 2:04 PM
To: Gibson-Glass, Mary
Subject: LRB 2557/1, shooting at transmission lines

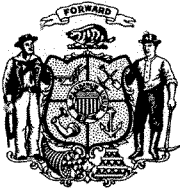
Mary,

I hope things are starting to calm down with the budget. When you have some time, could we work to add restitution to the draft. A person violating this law should be required to pay for the damage that they inflict. Also, you raised a good question in your drafter's note. There probably should be a delayed effective date. Can we do 6 months after being signed or do we have to stick with a solid date like January/July 1st?

Thanks,

Eric Bott
Office of Karl Van Roy
State Representative
90th Assembly District

(608) 266-0617
eric.bott@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

RMR
LRB-2557/102
MGG:kjf/pg

soon
(in edit
7/11)

2005 BILL

Regen

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 ANL

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. 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. The bill exempts certain persons from this prohibition, including law enforcement officers and scientific collectors.

(electric transmission facility)

AT INSERT

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:

BILL

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

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

5 167.31 (1) (et) “Private security person” has the meaning given in s. 440.26 (1m)
6 (h).

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

8 167.31 (3m) PROHIBITIONS; ELECTRIC TRANSMISSION FACILITIES. (a) Except as
9 provided in sub. (4) (b) and (h), no person may intentionally discharge a firearm in
10 the direction of an electric transmission facility.

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

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

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

17 167.31 (4) (a) 4. (intro.) A private security person, ~~as defined in s. 440.26 (1m),~~
18 who meets all of the following requirements:

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

20 167.31 (4) (b) Subsections (2) (a), (b) and (c) and, (3) (a) and (b), and (3m) do not
21 apply to the holder of a scientific research license under s. 169.25 or a scientific
22 collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an
23 activity related to the purpose for which the license or permit was issued.

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

INS
2-13

BILL

1 167.31 (4) (h) Subsection (3m) does not apply to any of the following who
2 discharge a firearm in the direction of an electric transmission facility:

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4 2. A member of the national guard in the line of duty.
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6 4. A private security person who meets all of the requirements under par (a)

7 4.

8

(END)

INSERT
Eff
Date
3-7

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2557/2ins
MGG:.....

Insert ANL

no # In addition, the court must order that the defendant pay for the cost of repairing or replacing the electronic transmission facility.

Insert 2-13

(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*.

Insert 3-7

SECTION 1. *#* Effective date.

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

Gibson-Glass, Mary

From: Bott, Eric
Sent: Friday, July 22, 2005 12:26 PM
To: Gibson-Glass, Mary
Subject: FW: Transmission Lines Bill

Mary,

Could you please make two changes to our electric transmission bill? Please see below. Call me with any questions.

Thank you very much for your continued patience with my repeated requests for changes on this bill.

Eric

From: Jnmspeaks@aol.com [mailto:Jnmspeaks@aol.com]
Sent: Friday, July 22, 2005 12:11 PM
To: Bott, Eric
Subject: Re: Transmission Lines Bill

Eric See note from our people. How hard to get changed They feel fiber optic needs to be in definition. Or is it better to do an amendment if we can get a hearing How do you want to proceed?

Jim,

Couple items

In the 'Analysis by the Legislative Bureau' section on the first page, second to the last sentence in the first paragraph, should be electric transmission facility rather than electronic transmission facility.

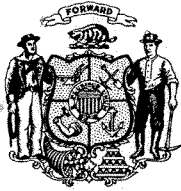
In the bill section

in 167.31 section 1

Add the words fiber optic cable in the definition of Electric Transmission Facility.

Jim Morrison
James N Morrison & Associates
PO Box 10801
Green Bay WI 54307-0801
Phone 920-434-4540
Fax 920-434-9841
E-mail jnmspeaks@aol.com
Web site: www.jimmorrisonSpeaks.com

07/28/2005



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2557/23

MGG:kjf/fg

RMR

DOON

2005 BILL

D Note

Regen

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electric

electric

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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:

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9 provided in sub. (4) (b) and (h), no person may intentionally discharge a firearm in
10 the direction of an electric transmission facility.

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

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

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BILL

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- 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)

D-Note

MEG:ljf

Date

D Note

In the definition of "electric transmission facility"
I used "cable" instead of "fiber optic cable"
~~was~~ to be consistent with the more
generic listing of "wire, line, and conduit."
^{more}
^{generic}
^{line}
^{conduit}

Mob

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2557/3dn
MGG:kjfrs

July 28, 2005

In the definition of "electric transmission facility" I used "cable" instead of "fiber optic cable" to be consistent with the more generic listing of "wire, line, and conduit."

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Barman, Mike

From: Bott, Eric
Sent: Friday, September 09, 2005 2:21 PM
To: LRB.Legal
Subject: Draft review: LRB 05-2557/3 Topic: Shooting at electric transmission or distribution equipment

It has been requested by <Bott, Eric> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2557/3 Topic: Shooting at electric transmission or distribution equipment