

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3113/P1dn
EVM:jld

September 16, 2015

ATTN: Sen. Richard Gudex

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. Current law prohibits, to a certain extent, flying in such a way as to interfere with the use of land. See s. 114.04, stats.
2. This draft creates a fairly broad authority for cities, villages, towns, and counties to prohibit the use of drones over designated areas. Do you want all of these types of local governmental units to have this authority? Do you want to limit this authority to certain locations? Do you want to allow a political subdivision to designate its entire territory as a no fly zone?
3. Do you want to provide further nuance related to the authority to prohibit operation? For example, recent legislation in California prohibited flying a drone less than 350 feet above ground level without permission from the land owner. Do you want a political subdivision to have authority to limit operation to a certain altitude? Other similar regulations that do not constitute a full prohibition?
4. I used the definition of drone from s. 941.292, stats. Does this definition meet your intent?
5. Do you want to specify the penalty that may be assessed for a violation of a no fly zone?
6. Do you want to require any special notice of no fly zones? It may be difficult for drone operators, particularly those from outside the area, to determine which properties are designated no fly zones.
7. It is possible that parts of this bill or some ordinances enacted under this bill could be federally preempted.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

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