



Van H. Wanggaard

Wisconsin State Senator

TESTIMONY ON SENATE BILL 386

Thank you Mr. Chairman and committee members for today's hearing on Senate Bill 386.

In 2015, Representative Steffen and I authored what became 2015 Act 158. Act 158 criminalized trespassing and/or damaging property of an energy provider. This idea came from a public safety and security concern. As you know, our power grid and related infrastructure is a target that can be damaged and/or sabotaged. A single person could create a problem that could disrupt energy services for hundreds of thousands of people. This is a danger to our economy and our safety.

We saw this happen earlier this year in Madison with the MG&E fire. I know the MG&E fire was an accident, but you can see the impact the accident caused. Now imagine, the impact if that fire was intentional. The damage could have been far greater and widespread.

In Act 158, however, we very narrowly defined the target of potential damage to electrical and natural gas generation, transmission and distribution facilities. Of course the potential danger of damage to our energy infrastructure is much more widespread. For that reason, Representative Steffen and I are offering this bill expanding the definition of "energy provider."

In this bill, we add oil, petroleum, water, and renewable fuel facilities to the existing definition of electrical and gas facilities. These other energy facilities can also be targets and would cause similar or greater damage as the electrical and energy facilities.

We also recognize that a person may be viewed as a trespasser despite having a legitimate and legal need to be present on the property. For that reason, we have added a list of activities that would not be considered trespassing. This includes: union organizing, compliance monitoring, and any other lawful exercise of first amendment rights.

Let me emphasize again what this bill is about. This is about keeping our infrastructure and our communities safe.

This bill is not about climate change or criminalizing peaceful protests. In fact, this bill specifically contains language protecting a person's right to protest.

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Page 2, Lines 24 and 25 and page 4, lines 6-7 specifically exempt lawful protests from the criminal penalties in this bill. The actual language is: "This section does not apply to any of the following...An exercise of a person's right of free speech or assembly that is otherwise lawful."

I want to emphasize this again, because there is a lot of wrong information out there. Lawful protests are specifically excluded from prosecutions under this bill. This bill is not about criminalizing protests. It is not about climate change, Standing Rock, or the Dakota Access or Keystone pipeline. This is not an ALEC conspiracy, or about letting Foxconn take more water from Lake Michigan than permits allow. This bill does not expand eminent domain, or any environmental or pipeline regulations. These accusations have all been brought up in the last month, and all are wrong.

This is about everyone's safety and security. It is about the vulnerability of our infrastructure. That's it. That's what it was about 4 years ago, and that's what it is about today. And unlike the bill that passed without controversy 4 years ago, this bill has specific protections for lawful activities.

In 2015, Act 158 passed both houses overwhelmingly, including the Assembly on a voice vote. I look forward to your support and am happy to answer any questions.



DAVID STEFFEN

STATE REPRESENTATIVE • 4TH ASSEMBLY DISTRICT

October 22, 2019

Chairman Wanggaard and Judiciary and Public Safety Committee Members,

Thank you for holding a public hearing on SB 386 relating to trespassing on the property of an energy provider and providing a penalty.

Critical infrastructure is a term used by the government to describe assets that are essential for the functioning of a society and economy. Most commonly associated with the term are facilities for: shelter, agriculture, water supply, public health, transportation, security services, electricity generation, transmission and distribution (ie. Natural gas, fuel oil, coal, nuclear power) and telecommunication.

In recent years, critical infrastructure sites throughout the Midwest have been the recipients of worker harassment and millions of dollars of vandalism and damage. Acts such as these do not only negatively affect the property being damaged but is also putting nearby communities and environment as risk.

In 2015, we introduced legislation that provides criminal penalties for individuals who intentionally damage or unlawfully enter property of an energy provider. This legislation was passed and signed into law as 2015 Wisconsin Act 158.

Inadvertently, Act 158 did not include language covering the energy infrastructure provided by the water utilities, oil, petroleum, and renewable fuel industries, leaving a significant portion of the energy industry unprotected under the new law. AB 426 corrects this omission by incorporating and giving these types of critical infrastructure the same protections as electric and natural gas infrastructure.

I appreciate your consideration of this bill and I would be happy to answer any questions you may have.



TO: Chairman Wanggaard and the members of the Senate Committee on Judiciary and Public Safety

RE: Support of Passage of SB-386, relating to trespassing on the property of an energy provider and providing a penalty

Good morning Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety. Thank you for the opportunity to appear before you today to testify on SB-386. My name is Steve Bonaparte, and I am the Gas Distribution Program Administrator for Steamfitters Local 601, and here representing the Wisconsin Pipe Trades Association (WPTA).

For frame of reference, the Pipe Trades is the statewide group representing eight (8) different Locals in the mechanical trades, and Steamfitters Local 601 is one of those. Local 601 alone has approximately 400 members that work either on mainline pipelines or in gas distribution throughout the state of Wisconsin. We respectfully ask that you support passage of SB-386, legislation that will create parody for pipeline infrastructure protections, similar to other project sites.

This bill is important to us, as we've seen and heard of an increasing number of situations in which individuals' trespass and intentionally, or unintentionally, cause damage to critical energy infrastructure and workers' equipment at job sites. In the Midwest alone, we've seen millions of dollars of construction equipment set on fire and hydraulic lines punctured. As a result, our workers are feeling increasingly unsafe on these job sites. Our work at these sites is already inherently dangerous, but when vandalism occurs, it increases the already-present risk of serious injury.

It's possible that workers may not even notice damage or tampering until they are relying on the safe operation of equipment, at which point it could be too late to prevent a worksite incident. In addition to the threat to worker safety, trespassing and the damage that often comes with it can jeopardize the reliable operation of critical infrastructure. Such tampering could potentially lead to an environmental disaster.

To be clear – I support the rights of all Americans to oppose projects they disagree with and peacefully demonstrate that opposition. However, criminal vandalism is not the same as peaceful protest. It jeopardizes the safety of vandals as well as those who rely on the safe operation of equipment - and the everyday worker is the person most put in harm's way.

I ask that you please support the passage of SB-386. I would be happy to address any questions from committee members at this time.

Thank you.
Steve Bonaparte

**A list of rules and recommendations
for those on schoolstrike for climate:**

No violence

No damage

No littering

No profit

No hate

Minimise your carbon footprint

Always refer to science

Our demand:

**Follow the Paris Agreement
and the IPCC report.**

Stay below 1,5°C.

**Focus on the aspect of equity
and climate justice, clearly stated
throughout the Paris Agreement.**

**Because no manifesto can be
more radical than that.**

Unite behind the science.

#FridaysForFuture #SchoolStrike4Climate



Logo for FridaysForFuture



UNITY - Fridays For Future (Musicvideo)

FFF in Vienna have a new anthem in English for the FFF movement. Record your version and send to FFF-Vienna to be added to a combined WORLD UNITY Fridays For Future music video! Read more here!

Here are some general guidelines:

1. Fridaysforfuture want you to only strike in a way, that you feel safe with.
2. Many Fridaysforfuture strikers have a police approval for their strike.
3. It is common for these approvals to only allow for a quiet, sitting protest.
4. Fridaysforfuture are unlikely to be able to provide legal support if there are problems, so FFF advises strikers to liaise with local NGOs. These NGOs usually know local lawyers, who are well versed in protest situations.
5. We are a peaceful and quiet striking organisation, but unfortunately we have already seen examples in some countries, where some individuals or organisations try to join a strike for the purpose of causing trouble. Please take care and prioritise your own safety.

Please let us know if we can help with further questions.

FridaysForFuture

What is Fridays For Future?

#FridaysforFuture is a peoples movement following the call from @GretaThunberg to school strike.



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UN Award for FFF

FridaysForFuture: ActivismRiskZone

1. Fridaysforfuture want you to only strike in a way, that you feel safe with.
2. Many Fridaysforfuture strikers have a police approval for their strike.
3. It is common for these approvals to only allow a quiet, sitting protest.
4. A. ARZ: ActivismRiskZone is a working group aiming to support activism in risk zones. Use #ARZ_ helps if a minor Human Rights violation occurs and you would like to lift awareness
B. Fridaysforfuture are unlikely to be able to provide legal support if there are problems, so FFF advises strikers to liaise with local Non Government Organisations and email Arz@fridaysforfuture.org. These NGOs, for example, Amnesty, Greenpeace, 350, WWF, usually know local lawyers, who are well versed in protest situations.
C. Recommended reading for ActivismRiskZone
5. We are a peaceful and quiet striking organisation, but unfortunately we have already seen examples in some countries, where some individuals or organisations try to join a strike for the purpose of causing trouble. Please take care and prioritise your own safety.
6. Fridaysforfuture recommends that all strikers at risk use anonymous style emails if you would like to be contactable from the map, e.g. FFF_happystriker@gmail.com

Read Newsletter - and sign up!

FridaysForFuture-app available [here](#)

Fridays For Future - The World Needs You

Fridays for Future



**Please Support The Worker Safety and Energy Security Act
(AB 426/SB 386)**

TO: Wisconsin State Lawmakers

FROM: American Chemistry Council, American Petroleum Institute, Construction Business Group, International Union of Operating Engineers Local 139, Mechanical Contractors Association of Wisconsin, Metropolitan Milwaukee Association of Commerce, Midwest Food Products Association, Plumbing and Mechanical Contractors Association of Milwaukee and Southeastern Wisconsin, Sheet Metal and Air Conditioning Contractors' Association of Milwaukee, U.S. Venture, Waukesha County Business Alliance, Wisconsin Building Trades Council, Wisconsin Farm Bureau Federation, Wisconsin Grocers Association, Wisconsin Independent Businesses, Wisconsin Independent Businesses Agri-Business Coalition, Wisconsin Industrial Energy Group, Wisconsin Laborers District Council, Wisconsin Manufacturers & Commerce, Wisconsin Paper Council, Wisconsin Pipe Trades, Wisconsin Propane Gas Association, Wisconsin Railroad Association, Wisconsin Restaurant Association, Wisconsin Rural Water Association, Wisconsin Transportation Builders Association, Wisconsin Underground Contractors Association, Wisconsin Utilities Association

DATE: October 22, 2019

There is no doubt that our state's economy and families depend on an infrastructure network to move and supply energy and water for transportation, heating homes, powering manufacturing, fueling agriculture and for providing the sustenance for survival. Unfortunately, we are seeing increased efforts by some to sabotage this critical infrastructure and harass the workers we depend on to keep it up and running.

In recent years, critical infrastructure worksites in the Midwest have seen millions of dollars of construction equipment set on fire¹, hydraulic fluid leaked onto the ground due to vandalism², intimidation of labor on worksites³, and individuals using force to break into facilities and unsafely turn off this critical infrastructure.⁴ Unfortunately, those causing this damage and disruption often either do not fully understand the harm they cause or simply don't care. Workers – usually skilled, union tradesmen and tradeswomen – are increasingly feeling unsafe and are seeing their equipment and even their own personal property being damaged. Attempts to improperly turn off or sabotage critical infrastructure is also putting our communities and environment at risk, and, in some cases, putting the lives of those doing the vandalism in jeopardy.

To address these serious and growing concerns, the Worker Safety and Energy Security Act adds petroleum, renewable fuel, chemical and water infrastructure to the existing criminal statute protecting our critical infrastructure from trespassing and damage, giving these types of critical infrastructure the same protections as electric and natural gas infrastructure. Nothing in this legislation impacts first amendment rights to organize, protest or picket, and to make that clear language has been included to ensure this legislation does not violate those rights.

We view this as a commonsense proposal that merely corrects an oversight from when the Legislature passed its bill protecting utility infrastructure from these same types of criminal actions. This bipartisan legislation has support from labor, agriculture and business and we respectfully ask that you support these bills.

¹ <https://www.stormlakepilottribune.com/story/2360014.html>

² <https://www.duluthnewtribune.com/business/energy-and-mining/4459466-equipment-vandalized-line-3-replacement-site>

³ <https://www.liuna.org/news/story/extremists-target-dakota-access-pipeline-construction>

⁴ <https://www.apnews.com/c816b1cf8e1047f688fe349e2712d0f4>



44 East Mifflin Street • Suite 402 • Madison, Wisconsin 53703 • 608/257-3151

To: Senate Committee on Judiciary & Public Safety

**From: Bill Skewes, Executive Director
Wisconsin Utilities Association**

Re: Support for SB 386/AB 426

Date: October 22, 2019

On behalf of Wisconsin's investor owned gas and electric energy providers, the Wisconsin Utilities Association (WUA) supports the passage of SB 386 and its companion bill AB 426, relating to trespassing on utility property.

The bill makes it a Class H felony to intentionally cause damage with the intent to impair service to the property of an energy or water provider. This is a bill that the Wisconsin Infrastructure Coalition (WIC), of which WUA is a member, also supports. WIC worked closely with organized labor and business to find a consensus on this bi-partisan bill.

WUA also specifically thanks the authors, Rep. Steffen and Sen. Wanggaard, for including water facilities at our request in the definition of utility property under the bill. Obviously, protecting a community's water supply and systems is every bit as vital as protecting energy infrastructure and we appreciate the authors and the Coalition's willingness to make that change to the original draft.

We respectfully urge the Committee's support of this proposal.



International Union Of Operating Engineers

★★★ Local 139 ★★★

Providing a Skilled Workforce for Wisconsin's Future

N27 W23233 Roundy Drive • P.O. Box 130 • Pewaukee, WI 53072

Phone: (262) 896-0139 • Fax (262) 896-0758

www.iuoe139.org

Terrance E. McGowan

President / Business Manager
General Vice President

WRITTEN TESTIMONY OF TERRY MCGOWAN

President and Business Manager, International Union of Operating Engineers, Local 139

Public Hearing on SB 386

October 22nd, 2019

My name is Terry McGowan. I am the president and business manager of Wisconsin Operating Engineers Local 139, representing the more than 10,000 men and women who operate the heavy equipment that builds Wisconsin's roads, bridges, schools and other critical infrastructure.

I thank members of this committee for allowing me to submit testimony on SB 386. I will be brief.

As I mentioned, we work on some of Wisconsin's major infrastructure projects, including wind and solar farms and pipelines. I understand that not all of the projects we work on are popular. However, the safety of construction workers, the public and the environment is paramount.

Increasingly, I see my members' physical safety put at risk by people protesting the construction projects we're working on. For example, one of my members had a rock thrown at him while working on a pipeline project. My members have to undergo specific competency testing and safety training to work in pipeline construction corridors, and demonstrators have no such specialized training or safety knowledge.

The demonstrator who threw the rock at my member was so close to the equipment that he was in a blind spot, which means the operator could not see the demonstrator. This could have resulted in serious injury to the worker or the demonstrator, and it could have caused a much larger accident on the construction site if the worker had lost control of his machine. Thankfully, that did not happen.

Others have not been so lucky. Equipment in Iowa was set on fire, workers in North Dakota were physically blocked from a construction site and threatened with bodily injury, and pipe that was being installed in South Dakota was deliberately damaged with torches. Millions of dollars in property damage and workers quitting in fear for their safety have become increasingly common in the Midwest.

I firmly believe that all citizens should have the right to oppose projects and voice their concerns. Public input and the right to peacefully demonstrate must be preserved. But the public has no right to enter an already dangerous, restricted construction site without proper training or any safety knowledge, thereby putting workers, themselves and the environment at risk.

SB 386, the Worker Safety and Energy Security Act, doesn't create new laws to protect my members. Instead, it expands protections already in place for *some* utility projects to nearly *all* energy projects. It also clearly preserves the right of safe and peaceful protest, organization and demonstration.

SB 386- strikes the right balance between the safety of workers, the security of critical infrastructure, environmental protection and the rights of speech and expression. Criminal assault and property damage, even in the name of a cause one believes strongly in, cannot be condoned and should not be encouraged. The hard-working construction workers of this state deserve to feel safe and need your help.

Wisconsin's 10,000 operating engineers ask the committee members, and all members of the legislature, to pass the Worker Safety and Energy Security Act.

Thank you for your time.

BRANCH OFFICES

Appleton

5191 Abitz Road
Appleton, WI 54914
(920) 739-6378

Eau Claire

1003 S. Hillcrest Parkway
Altoona, WI 54720
(715) 838-0139

Madison

4702 S. Biltmore Lane
Madison, WI 53718
(608) 243-0139

Date

WE WILL NEVER
FORGIVE YOU.

I have no further statements,

You're not here to
argue with me.

Justin A Overman

Writton testimony

Opposing the Folom



Inespass Bill

Sen Field & Sen. Wicker

Date

Learn out of nonviolent
TRASS, but I am heartened to know that
this bill only incenses
the consequence of non
desfructin & not
non violent protest.
That's correct, is it not?

"Bad protesting"

I find it unfair and by political
that Senator Fields disallows
the quoting of nonviolent civil
disobedience leader Dr. Martin Luther
King Jr. and then goes on to
use the words of Greta Thunberg
to SUIT HIS PURPOSES

Let me be clear about her words:

for your defense and dirty war
of the fossil fuel industry!

