

1 **SSB 5025 - H COMM AMDS ADOPTED 4-13-93**

2 By Committee on Natural Resources & Parks

3 On page 3, strike lines 4 through 18 and insert:

4 (c) Investigate the origin and cause of all forest fires to
5 determine whether either a criminal act or negligence by any
6 person, firm, or corporation caused the starting, spreading, or
7 existence of the fire. In conducting investigations, the
8 department shall work cooperatively, to the extent possible, with
9 utilities, property owners, and other interested parties to
10 identify and preserve evidence. Except as provided otherwise in
11 this subsection, the department in conducting investigations is
12 authorized, without court order, to take possession or control of
13 relevant evidence found in plain view and belonging to any person,
14 firm, or corporation. To the extent possible, the department shall
15 notify the person, firm, or corporation of its intent to take
16 possession or control of the evidence. The person, firm, or
17 corporation shall be afforded reasonable opportunity to view the
18 evidence and, before the department takes possession or control of
19 the evidence, also shall be afforded reasonable opportunity to
20 examine, document, and photograph it. If the person, firm, or
21 corporation objects in writing to the department's taking
22 possession or control of the evidence, the department must either
23 return the evidence within seven days after the day on which the
24 department is provided with the written objections or obtain a
25 court order authorizing the continued possession or control.

26 Absent a court order authorizing otherwise, the department may
27 not take possession or control of evidence over the objection of
28 the owner of the evidence if: (i) The evidence is used by the owner
29 in conducting a business or in providing an electric utility
30 service; and (ii) the department's taking possession or control of

1 the evidence would substantially and materially interfere with the
2 operation of the business or provision of electric utility service.

3 Absent a court order authorizing otherwise, the department may
4 not take possession or control of evidence over the objection of an
5 electric utility when the evidence is not owned by the utility but
6 has caused damage to property owned by the utility. However, this
7 paragraph does not apply if the department has notified the utility
8 of its intent to take possession or control of the evidence and
9 provided the utility with reasonable time to examine, document, and
10 photograph the evidence.

11 Only personnel qualified to work on electrical equipment may
12 take possession or control of evidence owned or controlled by an
13 electric utility."

14 On page 3, strike line 25 through 34.

EFFECT: The 14-day period for obtaining a court order is reduced to a 7-day period. Absent a court order, the DNR could not take possession or control of evidence if the owner objected and if taking such possession or control would substantially and materially interfere with the owner's business or providing of electric utility services. Also, provisions are added restricting the DNR's power to take possession or control of evidence which caused damage to the property of an electric utility. Only personnel qualified to work on electrical equipment would be authorized to take possession or control of an electric utility's property. The amendment also makes various technical and clarification changes.