

**2001 Jr2 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB1)**

Received: 03/12/2002

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Hotynski

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Addl. Drafters:

Subject: Nat. Res. - miscellaneous

Extra Copies: cc by e-mail to Brian Pleva in

Submit via email: NO

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**Pre Topic:**

LFB:.....Hotynski -

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**Topic:**

Invasive species program

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**Instructions:**

See Attached

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**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>
/?	mdsida 03/12/2002	hhagen 03/12/2002		_____			
/1			kfollet 03/13/2002	_____	lrb_docadmin 03/13/2002		
/2	gibsom 03/13/2002	hhagen 03/13/2002	pgreensl 03/13/2002	_____	lrb_docadmin 03/13/2002		
/3	rkite 03/13/2002	jdyer 03/13/2002	rschluet 03/13/2002	_____	lrb_docadmin 03/13/2002		

03/13/2002 06:14:00 PM

Page 2

***LRB62512***

FE Sent For:

**<END>**

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/1			kfollet 03/13/2002	_____	lrb_docadmin 03/13/2002		
/2	gibsom 03/13/2002	hhagen 03/13/2002	pgreensl 03/13/2002	_____	lrb_docadmin 03/13/2002		

FE Sent For:

*13 3/13 JLD*

*[Signature]*  
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/?	midsida 03/12/2002	hhagen 03/12/2002		<u>3/13</u>			
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3/13  
pg

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Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Nat. Res. - miscellaneous

Extra Copies: mgg

Submit via email: NO

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/?	mdsida	11 hmk 3/12	KY 3/13	10/1/05 2/3/13			

FE Sent For:

<END>

# Budget Amendments 2002

**Legislator:** Vrakas

**Statement of Intent:** The program is established to prevent the introduction of new invasive species into the state, control the spread of existing harmful invading plants and animals, and where feasible, abate ecological and economic impacts of invasive species to protect Wisconsin's natural biodiversity. For more than three years, Rep. Vrakas and Lt. Gov. Farrow have sought to 1.) make invasive species a priority within appropriate state agencies, and 2.) coordinate existing efforts within those agencies. This program accomplishes those two goals.

**Legislator:**  
**Legislators:**  
**Legislator:**  
**Staff Contact:**  
**Agency:**

Brian Pleva  
 Natural Resources

**Amendment #:**  
**Pass or Fail:**  
**Cut:**   
**Withdrawal:**   
**Package:**

**Summary:** This motion adopts recommendations forwarded by the Governor's Task Force on Invasive Species, which was formed in May 2001 and co-chaired by Rep. Dan Vrakas and Lt. Gov. Margaret Farrow. It establishes a Statewide Invasive Species Program to be overseen by an Invasive Species Council. No funds are appropriated, as any costs incurred through the end of the current biennium are to be absorbed within DNR's budget.

**Fiscal Impact:** None. This will be absorbed within the agency's budget.

**Staff Analysis:**

**Request #:** 155

LFB Hotynski  
 Subject NR - misc  
 Invasive species program

2001

Date (time) needed \_\_\_\_\_

LRB b 25121

**ARC CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]**

MGG : hnh : \_\_\_\_\_

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**January 2002 SPECIAL SESSION CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 2001 ASSEMBLY BILL 1**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

**2001 BILL**

1 **AN ACT to repeal** 23.23 (title), 23.235 (3) and 30.1255 (3) (c); **to renumber** 23.23  
2 (3) (c), 23.23 (3) (d), 23.23 (3) (e), 23.23 (4) (c) and 23.24 (2) (b) 2.; **to renumber**  
3 **and amend** 23.23 (1), 23.23 (2), 23.23 (3) (a), 23.23 (3) (b), 23.23 (4) (a), 23.23  
4 (4) (b), 23.235 (1) and 23.24 (2) (a) 3.; **to consolidate, renumber and amend**  
5 23.24 (2) (b) (intro.) and 1.; **to amend** 23.235 (2), 23.235 (5), 23.24 (1) (g), 23.24  
6 (2) (a) 1., 23.24 (2) (c) (intro.), 23.24 (3) (a) (intro.), 30.1255 (title) and 30.1255  
7 (3) (b); **to repeal and recreate** 23.24 (2) (title); and **to create** 15.347 (18),  
8 23.22, 23.235 (2m) (title) and 23.235 (4) (title) of the statutes; **relating to:**  
9 establishing of an invasive species program, creating an invasive species  
10 council, and granting rule-making authority.

---

***Analysis by the Legislative Reference Bureau***

Under current law, the department of natural resources (DNR) has numerous responsibilities relating to the control of aquatic plants and certain other plant and animal species that are not native to this state and that adversely affect native species. Current law requires that DNR implement a program that protects native aquatic plants and that regulates the introduction, cultivation, and control of all



**BILL**

aquatic plants regardless of whether they are invasive. Under this program, DNR must issue aquatic plant management permits and promulgate rules to regulate the conditions under which aquatic plants may be introduced, cultivated, and controlled. Current law also specifically authorizes DNR to develop a statewide program to control purple loosestrife and to conduct research and educational activities on the control of multiflora rose. As to nonplant species, current law requires DNR to submit to the legislature a biennial report on impact and control of certain aquatic animals and plants, including the zebra mussel. Current law also imposes prohibitions against the placement of boats, boating equipment, and boat trailers into any navigable water if aquatic plants are attached and into the Lower St. Croix River if zebra mussels are attached.

This bill consolidates under a single program these responsibilities and these programs as they relate to invasive species. The species covered by the program include terrestrial invasive species as well as aquatic invasive species. The program imposes certain duties on DNR, including the following:

1. Creating and implementing a statewide management plan to control invasive species.
2. Requiring the inspection of boats, boat trailers, and boating equipment of boats entering and leaving navigable waters.
3. Promulgating rules classifying invasive species.
4. Providing education and conducting research on invasive species.

The bill also requires DNR to promulgate rules to establish a procedure for awarding cost-sharing grants for projects to control invasive species. The rules must include criteria for determining eligible projects and eligible recipients. The bill requires that the grants may not exceed 50% of the costs of the projects and that the cost-sharing contribution may be in money or in in-kind goods or services.

The bill requires DNR to submit a biennial report in each even-numbered year. This biennial report must incorporate the report concerning certain aquatic animals and plants that is already required under current law. The biennial report must contain details on the program's progress, an assessment of the program's future needs, and a description of the funding that has been expended under the program. The bill also requires DNR to submit an interim performance report in each odd-numbered year concerning the progress that has been made on the control of invasive species.

This bill creates a 13-member invasive species council that is attached to DNR. Membership of the council consists of the secretaries of natural resources, transportation, administration, commerce, tourism, and agriculture, trade and consumer protection, or their designees, and seven other members appointed by the governor who represent public and private interests as they are affected by the presence of invasive species in this state.

Under the bill, the council is required to do all of the following:

1. Make recommendations to DNR concerning the rules relating to the grant program and the rules designating invasive species as described above.
2. Conduct studies on issues relating to controlling invasive species. The studies shall include a study on the state's bait industry, a study on the state's pet

**BILL**

industry, and a study on the acquisition of invasive species through mail order and Internet sales.

3. Create certain subcommittees to assist the council in its work.

For further information see the *state* 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:*

# Page 10, line 8 : after that line insert:

1

SECTION 1. 15.347 (18) of the statutes is created to read:

2

15.347 (18) INVASIVE SPECIES COUNCIL. (a) There is created an invasive species

3

council that is attached to the department of natural resources under s. 15.03.

4

(b) The council consists of the following members:

5

1. The secretary of natural resources or his or her designee.

6

2. The secretary of administration or his or her designee.

7

3. The secretary of agriculture, trade and consumer protection or his or her

8

designee.

9

4. The secretary of commerce or his or her designee.

10

5. The secretary of tourism or his or her designee.

11

6. The secretary of transportation or his or her designee.

12

7. Seven other members appointed by the governor to serve 5-year terms.

13

(c) The members appointed under par. (b) 7. shall represent public and private

14

interests that are affected by the presence of invasive species in this state. //

# Page 28, line 2 : after that line insert:

15

SECTION 2. 23.22 of the statutes is created to read:

16

23.22 Invasive species. (1) DEFINITIONS. In this section:

17

(a) "Control" means to cut, remove, destroy, suppress, or prevent the

18

introduction or spread of.

19

(b) "Council" means the invasive species council.

**BILL**

1 (c) "State agency" means a board, commission, committee, department, or office  
2 in the state government.

3 (2) DEPARTMENT RESPONSIBILITIES. (a) The department shall establish a  
4 statewide program to control invasive species in this state.

5 (b) As part of the program established under par. (a), the department shall do  
6 all of the following:

7 1. Create and implement a statewide management plan to control invasive  
8 species in this state, which shall include inspections as specified under sub. (5).

9 2. Administer the program established under s. 23.24 as it relates to invasive  
10 aquatic plants.

11 3. Encourage cooperation among state agencies and other entities to control  
12 invasive species in this state.

13 4. Seek public and private funding for the program.

14 6. Promulgate rules to classify invasive species for purposes of the program.

15 In promulgating these rules, the department shall consider the recommendations of  
16 the council under sub. (3) (a).

17 (c) Under the program established under par. (a), the department shall  
18 promulgate rules to establish a procedure to award cost-sharing grants to public and  
19 private entities for up to 50% of the costs of projects to control invasive species. Any  
20 rules promulgated under this paragraph shall establish criteria for determining  
21 eligible projects and eligible grant recipients and shall allow cost-share  
22 contributions to be in the form of money or in-kind goods or services or any  
23 combination thereof. In promulgating these rules, the department shall consider the  
24 recommendations of the council under sub. (3) (c).

**BILL**

1           **(3) COUNCIL DUTIES.** (a) The council shall make recommendations to the  
2 department for a system for classifying invasive species under the program  
3 established under sub. (2). The recommendations shall contain criteria for each  
4 classification to be used, the allowed activities associated with each classification,  
5 criteria for determining state priorities for controlling invasive species under each  
6 classification, and criteria for determining the types of actions to be taken in  
7 response to the introduction or spread of a native species under each classification.

8           (b) Under the program established under sub. (2), the council shall conduct  
9 studies of issues related to controlling invasive species. The studies shall address  
10 all of the following:

- 11           1. The effect of the state's bait industry on the introduction and spread of  
12 invasive species.
- 13           2. The state's pet industry on the introduction and spread of invasive species.
- 14           3. The acquisition of invasive species through mail order and Internet sales.
- 15           4. Any other issue as determined by the council.

16           (c) The council shall make recommendations to the department on the  
17 establishment of a procedure for awarding cost-sharing grants under sub. (2) (c) to  
18 public and private entities for up to 50% of the costs of eligible projects to control  
19 invasive species. The recommendations shall contain criteria for determining  
20 eligibility for these grants and for determining which applicants should be awarded  
21 the grants.

22           (d) To assist the council in its work, the council shall create 4 subcommittees  
23 on the subjects of education, research, regulation, and interagency coordination. The  
24 council may create additional subcommittees on other subjects.

**BILL**

1           (5) INSPECTIONS. As part of the statewide management plan, the department  
2 shall require inspections of boats, boating equipment, and boat trailers entering and  
3 leaving navigable waters and educate boaters about the threat of invasive aquatic  
4 species. The department shall encourage the use of volunteers or may use  
5 department employees for these inspections.

6           (6) REPORTS. (a) The department shall submit to the legislature under s. 13.172  
7 (2), and to the governor and the council, a biennial report that includes all of the  
8 following:

9           1. Details on the administration of the program established under sub. (2),  
10 including an assessment as to the progress that is being made in controlling invasive  
11 species in this state.

12           2. A description of state funding that has been expended under the program.

13           3. A description of funding from other sources that has been expended to control  
14 invasive species in this state.

15           4. An assessment of the future needs of the program.

16           (b) The department shall submit the biennial report under par. (a) before July  
17 1 of each even-numbered year. The first biennial report shall be submitted no later  
18 than July 1, 2004. Each report shall cover the 24-month period ending on the March  
19 31 that immediately precedes the date of the report.

20           (c) In addition to the report required under par. (a), the department shall  
21 submit an interim performance report to the legislature under s. 13.172 (2), and to  
22 the governor and the council, on the progress that has been made on the control of  
23 invasive species. The department shall submit this interim performance report  
24 before July 1 of each odd-numbered year. The first interim performance report shall  
25 be submitted no later than July 1, 2005. Each interim performance report shall cover

**BILL**

1 the 12-month period ending on the March 31 that immediately precedes the date of  
2 the interim performance report.

3 (7) APPEARANCE BEFORE LEGISLATURE. Upon request of a standing committee of  
4 the legislature with jurisdiction over matters related to the environment, natural  
5 resources, or agriculture, the director of the program shall appear to testify.

6 SECTION <sup>72td</sup> 3. 23.23 (title) of the statutes is repealed.

7 SECTION <sup>72tj</sup> 4. 23.23 (1) of the statutes is renumbered 23.235 (1) (b) and amended  
8 to read:

9 23.235 (1) (b) ~~In this section, "purple~~ "Purple loosestrife" means any nonnative  
10 member of the genus Lythrum.

11 SECTION <sup>72tm</sup> 5. 23.23 (2) of the statutes is renumbered 23.235 (3m) and amended  
12 to read:

13 23.235 (3m) RESEARCH. The Under the program established under s. 23.22, the  
14 department shall make a reasonable effort to conduct research to determine  
15 alternative methods to contain and control purple loosestrife in the most  
16 environmentally sound manner and may conduct other research on the control of  
17 nuisance weeds. The secretaries of natural resources and of agriculture, trade and  
18 consumer protection may authorize any person to plant or cultivate nuisance weeds  
19 for the purpose of controlled experimentation.

20 SECTION <sup>72tq</sup> 6. 23.23 (3) (a) of the statutes is renumbered 23.235 (2m) (a) and  
21 amended to read:

22 23.235 (2m) (a) The Under the program established under s. 23.22, the  
23 department shall make a reasonable effort to develop a statewide program to control  
24 purple loosestrife on both public and private lands, as provided in this subsection.

## BILL

1 SECTION <sup>72tv</sup> 7. 23.23 (3) (b) of the statutes is renumbered 23.235 (2m) (b) and  
2 amended to read:

3 23.235 (2m) (b) The department shall make a reasonable effort to implement  
4 control and quarantine methods on public lands as soon as practicable. The  
5 department shall make a reasonable effort to employ the least environmentally  
6 harmful methods available that are effective, based on research conducted under  
7 sub. (2) (3m).

8 SECTION <sup>72ud</sup> 8. 23.23 (3) (c) of the statutes is renumbered 23.235 (2m) (c).

9 SECTION <sup>72uj</sup> 9. 23.23 (3) (d) of the statutes is renumbered 23.235 (2m) (d).

10 SECTION <sup>72um</sup> 10. 23.23 (3) (e) of the statutes is renumbered 23.235 (2m) (e).

11 SECTION <sup>72uq</sup> 11. 23.23 (4) (a) of the statutes is renumbered 23.235 (4) (a) and  
12 amended to read:

13 23.235 (4) (a) The ~~Under the program established under s. 23.22, the~~  
14 department shall make a reasonable effort to develop a statewide education ~~program~~  
15 effort on the effects of ~~purple loosestrife~~ nuisance weeds, as provided in this  
16 subsection.

17 SECTION <sup>72uv</sup> 12. 23.23 (4) (b) of the statutes is renumbered 23.235 (4) (b) and  
18 amended to read:

19 23.235 (4) (b) The department shall make a reasonable effort to educate the  
20 authorities in charge of the maintenance of all federal, state and county trunk  
21 highways and all forest and park land in this state on methods to identify and control  
22 ~~purple loosestrife and multiflora rose~~ nuisance weeds. The department of  
23 transportation and all other authorities in charge of the maintenance of highways,  
24 forests and parks may cooperate with the department in efforts under this  
25 paragraph.

## BILL

1 SECTION <sup>72vd</sup>13. 23.23 (4) (c) of the statutes is renumbered 23.235 (4) (c).

2 SECTION <sup>72vj</sup>14. 23.235 (1) of the statutes is renumbered 23.235 (1) (intro.) and  
3 amended to read:

4 23.235 (1) DEFINITIONS. (intro.) In this section, ~~“nuisance;~~

5 (a) “Nuisance weeds” means ~~any nonnative member of the genus Lythrum~~  
6 (purple loosestrife) or hybrids thereof and multiflora rose.

7 SECTION <sup>72vm</sup>15. 23.235 (2) of the statutes, as affected by 2001 Wisconsin Act 16,  
8 is amended to read:

9 23.235 (2) PROHIBITION. Except as provided in sub. ~~(3)~~ (3m), no person may sell,  
10 offer for sale, distribute, plant, or cultivate any multiflora rose or seeds thereof.

11 SECTION <sup>72vq</sup>16. 23.235 (2m) (title) of the statutes is created to read:

12 23.235 (2m) (title) CONTROL EFFORTS.

13 SECTION <sup>72vv</sup>17. 23.235 (3) of the statutes is repealed.

14 SECTION <sup>72wd</sup>18. 23.235 (4) (title) of the statutes is created to read:

15 23.235 (4) (title) EDUCATION.

16 SECTION <sup>72wj</sup>19. 23.235 (5) of the statutes is amended to read:

17 23.235 (5) PENALTY. Any person who knowingly violates ~~this section~~ sub. (2)  
18 shall forfeit not more than \$100. Each violation of this section is a separate offense.

19 SECTION <sup>72wm</sup>20. 23.24 (1) (g) of the statutes, as created by 2001 Wisconsin Act 16,  
20 is amended to read:

21 23.24 (1) (g) “Invasive aquatic plant” means an aquatic plant that is designated  
22 under sub. (2) (b) 1.

23 SECTION <sup>72wq</sup>21. 23.24 (2) (title) of the statutes, as created by 2001 Wisconsin Act  
24 16, is repealed and recreated to read:

25 23.24 (2) (title) DEPARTMENT DUTIES.



**BILL**

1           SECTION <sup>72uv</sup>~~22~~. 23.24 (2) (a) 1. of the statutes, as created by 2001 Wisconsin Act  
2 16, is amended to read:

3           23.24 (2) (a) 1. ~~Protect~~ Implement efforts to protect and develop diverse and  
4 stable communities of native aquatic plants.

5           SECTION <sup>72xd</sup>~~23~~. 23.24 (2) (a) 3. of the statutes, as created by 2001 Wisconsin Act  
6 16, is renumbered 23.22 (2) (b) 5. and amended to read:

7           23.22 (2) (b) 5. Provide education and encourage and conduct research  
8 concerning invasive ~~aquatic plants~~ species.

9           SECTION <sup>72xj</sup>~~24~~. 23.24 (2) (b) (intro.) and 1. of the statutes, as created by 2001  
10 Wisconsin Act 16, are consolidated, renumbered 23.24 (2) (b) and amended to read:

11           23.24 (2) (b) Under the program implemented under par. (a), the department  
12 shall ~~do all of the following:~~ 1. Designate designate by rule which aquatic plants are  
13 invasive aquatic plants for purposes of this section. The department shall designate  
14 Eurasian water milfoil, curly leaf pondweed, and purple loosestrife as invasive  
15 aquatic plants and may designate any other aquatic plant as an invasive aquatic  
16 plant if it has the ability to cause significant adverse change to desirable aquatic  
17 habitat, to significantly displace desirable aquatic vegetation, or to reduce the yield  
18 of products produced by aquaculture.

19           SECTION <sup>72xm</sup>~~25~~. 23.24 (2) (b) 2. of the statutes, as created by 2001 Wisconsin Act  
20 16, is renumbered 23.24 (2) (a) 4.

21           SECTION <sup>72xq</sup>~~26~~. 23.24 (2) (c) (intro.) of the statutes, as created by 2001 Wisconsin  
22 Act 16, is amended to read:

23           23.24 (2) (c) (intro.) The requirements promulgated under par. (b) ~~2.~~ (a) 4. may  
24 specify any of the following:

## BILL

1 SECTION <sup>72xv</sup>~~27~~. 23.24 (3) (a) (intro.) of the statutes, as created by 2001 Wisconsin  
2 Act 16, is amended to read:

3 23.24 (3) (a) (intro.) Unless a person has a valid aquatic plant management  
4 permit issued ~~under the program established under sub. (2) by the department~~, no  
5 person may do any of the following: "

6 # Page 30, line 17 : after that line insert:  
SECTION <sup>88g</sup>~~28~~. 30.1255 (title) of the statutes is amended to read:

7 30.1255 (title) **Control Report on control of aquatic nuisance species.**

8 SECTION <sup>88m</sup>~~29~~. 30.1255 (3) (b) of the statutes is amended to read:

9 30.1255 (3) (b) The department shall submit the ~~first~~ report under par. (a)  
10 before July 1, ~~1994~~ 2002, and shall submit subsequent reports ~~before July 1~~ of each  
11 ~~even-numbered year thereafter as part of the biennial report under s. 23.22 (6).~~

12 SECTION <sup>88r</sup>~~30~~. 30.1255 (3) (c) of the statutes is repealed. "

13 # Page 30, line 13 : after that line insert:  
~~SECTION 31. Nonstatutory provisions.~~

14 " (1) <sup>Invasive species council</sup> ~~STAGGERED TERMS~~. Notwithstanding the length of term specified in section  
15 15.347 (18) (b) 7. of the statutes, as created in this act, of the members first appointed  
16 to the invasive species council under section 15.347 (18) (b) 7. of the statutes, as  
17 created by this act, the governor shall designate 2 members to serve for terms  
18 expiring on July 1, 2007, 2 members to serve for terms expiring on July 1, 2008, and  
19 3 members to serve for terms expiring on July 1, 2009. "

20 (END)

## Gibson-Glass, Mary

---

**From:** Phillips, Matt  
**Sent:** Wednesday, March 13, 2002 11:23 AM  
**To:** Pleva, Brian; Gibson-Glass, Mary  
**Subject:** Inv. Species Definition

invasive species are non-indigenous species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

Matt Phillips  
Policy Advisor  
Office of Lieutenant Governor Farrow  
(608) 261-2162

redraft instructions

- ① wants above definition
- ② make it clear that there does not have to be inspections everywhere all the time
- ③ make it clear re: loose stuff that its a reasonable effort to develop a plan not to control (all) loose stuff - dont want a substantive change.



State of Wisconsin  
2001 - 2002 LEGISLATURE  
January 2002 Special Session

LRBb2512/m2  
MGG:hmkjf  
Stays  
PMR

soon

LFB:.....Hotynski - Invasive species program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 1. Page 10, line 8: after that line insert:
- 3 "SECTION 14h. 15.347 (18) of the statutes is created to read:
- 4 15.347 (18) INVASIVE SPECIES COUNCIL. (a) There is created an invasive species
- 5 council that is attached to the department of natural resources under s. 15.03.
- 6 (b) The council consists of the following members:
- 7 1. The secretary of natural resources or his or her designee.
- 8 2. The secretary of administration or his or her designee.
- 9 3. The secretary of agriculture, trade and consumer protection or his or her
- 10 designee.

- 1 4. The secretary of commerce or his or her designee.
- 2 5. The secretary of tourism or his or her designee.
- 3 6. The secretary of transportation or his or her designee.
- 4 7. Seven other members appointed by the governor to serve 5-year terms.
- 5 (c) The members appointed under par. (b) 7. shall represent public and private
- 6 interests that are affected by the presence of invasive species in this state.”.

7 **2.** Page 28, line 2: after that line insert:

8 **“SECTION 72t.** 23.22 of the statutes is created to read:

9 **23.22 Invasive species. (1) DEFINITIONS.** In this section:

10 (a) “Control” means to cut, remove, destroy, suppress, or prevent the

11 introduction or spread of.

12 (b) “Council” means the invasive species council.

13 (c) *“Invasive species” means nonindigenous species whose introduction*

14 (d) ~~“State agency”~~ means a board, commission, committee, department, or office

15 in the state government.

16 **(2) DEPARTMENT RESPONSIBILITIES.** (a) The department shall establish a

17 statewide program to control invasive species in this state.

18 (b) As part of the program established under par. (a), the department shall do

19 all of the following:

20 1. Create and implement a statewide management plan to control invasive

21 species in this state, which shall include inspections as specified under sub. (5).

22 2. Administer the program established under s. 23.24 as it relates to invasive

23 aquatic plants.

24 3. Encourage cooperation among state agencies and other entities to control

invasive species in this state.

*causes*  
~~does~~ ~~causes~~ or is likely to cause  
economic or environmental harm  
or harm to human health.

1           4. Seek public and private funding for the program.

2           6. Promulgate rules to classify invasive species for purposes of the program.

3           In promulgating these rules, the department shall consider the recommendations of  
4           the council under sub. (3) (a).

5           (c) Under the program established under par. (a), the department shall  
6           promulgate rules to establish a procedure to award cost-sharing grants to public and  
7           private entities for up to 50% of the costs of projects to control invasive species. Any  
8           rules promulgated under this paragraph shall establish criteria for determining  
9           eligible projects and eligible grant recipients and shall allow cost-share  
10          contributions to be in the form of money or in-kind goods or services or any  
11          combination thereof. In promulgating these rules, the department shall consider the  
12          recommendations of the council under sub. (3) (c).

13          **(3) COUNCIL DUTIES.** (a) The council shall make recommendations to the  
14          department for a system for classifying invasive species under the program  
15          established under sub. (2). The recommendations shall contain criteria for each  
16          classification to be used, the allowed activities associated with each classification,  
17          criteria for determining state priorities for controlling invasive species under each  
18          classification, and criteria for determining the types of actions to be taken in  
19          response to the introduction or spread of a native species under each classification.

20          (b) Under the program established under sub. (2), the council shall conduct  
21          studies of issues related to controlling invasive species. The studies shall address  
22          all of the following:

23                1. The effect of the state's bait industry on the introduction and spread of  
24                invasive species.

25                2. The state's pet industry on the introduction and spread of invasive species.

1           3. The acquisition of invasive species through mail order and Internet sales.

2           4. Any other issue as determined by the council.

3           (c) The council shall make recommendations to the department on the  
4 establishment of a procedure for awarding cost-sharing grants under sub. (2) (c) to  
5 public and private entities for up to 50% of the costs of eligible projects to control  
6 invasive species. The recommendations shall contain criteria for determining  
7 eligibility for these grants and for determining which applicants should be awarded  
8 the grants.

9           (d) To assist the council in its work, the council shall create 4 subcommittees  
10 on the subjects of education, research, regulation, and interagency coordination. The  
11 council may create additional subcommittees on other subjects.

12           (5) INSPECTIONS. As part of the statewide management plan, the department  
13 shall ~~require~~ <sup>create a watercraft inspection program under which the department</sup> inspections of boats, boating equipment, and boat trailers entering and <sup>shall</sup> ~~and~~ <sup>conduct</sup>  
14 leaving navigable waters and <sup>shall</sup> educate boaters about the threat of invasive <sup>random,</sup> aquatic <sup>periodic</sup>  
15 species. <sup>that are aquatic species</sup> The department shall encourage the use of volunteers or may use <sup>it</sup>  
16 department employees for these inspections.

17           (6) REPORTS. (a) The department shall submit to the legislature under s. 13.172  
18 (2), and to the governor and the council, a biennial report that includes all of the  
19 following:

20           1. Details on the administration of the program established under sub. (2),  
21 including an assessment as to the progress that is being made in controlling invasive  
22 species in this state.

23           2. A description of state funding that has been expended under the program.

24           3. A description of funding from other sources that has been expended to control  
25 invasive species in this state.

1           4. An assessment of the future needs of the program.

2           (b) The department shall submit the biennial report under par. (a) before July  
3 1 of each even-numbered year. The first biennial report shall be submitted no later  
4 than July 1, 2004. Each report shall cover the 24-month period ending on the March  
5 31 that immediately precedes the date of the report.

6           (c) In addition to the report required under par. (a), the department shall  
7 submit an interim performance report to the legislature under s. 13.172 (2), and to  
8 the governor and the council, on the progress that has been made on the control of  
9 invasive species. The department shall submit this interim performance report  
10 before July 1 of each odd-numbered year. The first interim performance report shall  
11 be submitted no later than July 1, 2005. Each interim performance report shall cover  
12 the 12-month period ending on the March 31 that immediately precedes the date of  
13 the interim performance report.

14           (7) APPEARANCE BEFORE LEGISLATURE. Upon request of a standing committee of  
15 the legislature with jurisdiction over matters related to the environment, natural  
16 resources, or agriculture, the director of the program shall appear to testify.

17           **SECTION 72td.** 23.23 (title) of the statutes is repealed.

18           **SECTION 72tj.** 23.23 (1) of the statutes is renumbered 23.235 (1) (b) and  
19 amended to read:

20           23.235 (1) (b) ~~In this section, “purple~~ “Purple loosestrife” means any nonnative  
21 member of the genus *Lythrum*.

22           **SECTION 72tm.** 23.23 (2) of the statutes is renumbered 23.235 (3m) and  
23 amended to read:

24           23.235 (3m) RESEARCH. ~~The Under the program established under s. 23.22, the~~  
25 department shall make a reasonable effort to conduct research to determine



1 alternative methods to contain and control purple loosestrife in the most  
2 environmentally sound manner and may conduct other research on the control of  
3 nuisance weeds. The secretaries of natural resources and of agriculture, trade and  
4 consumer protection may authorize any person to plant or cultivate nuisance weeds  
5 for the purpose of controlled experimentation.

6 **SECTION 72tq.** 23.23 (3) (a) of the statutes is renumbered 23.235 (2m) (a) and  
7 amended to read:

8 23.235 (2m) (a) The Under the program established under s. 23.22, the  
9 department shall make a reasonable effort to develop a statewide program to control  
10 purple loosestrife on both public and private lands, as provided in this subsection.

*PLAIN* (circled around "develop a statewide program to control")  
*plan* (circled around "Under the program")  
*PLAIN* (circled around "develop a statewide program to control")

11 **SECTION 72tv.** 23.23 (3) (b) of the statutes is renumbered 23.235 (2m) (b) and  
12 amended to read:

13 23.235 (2m) (b) The department shall make a reasonable effort to implement  
14 control and quarantine methods on public lands as soon as practicable. The  
15 department shall make a reasonable effort to employ the least environmentally  
16 harmful methods available that are effective, based on research conducted under  
17 sub. (2) (3m).

18 **SECTION 72ud.** 23.23 (3) (c) of the statutes is renumbered 23.235 (2m) (c).

19 **SECTION 72uj.** 23.23 (3) (d) of the statutes is renumbered 23.235 (2m) (d).

20 **SECTION 72um.** 23.23 (3) (e) of the statutes is renumbered 23.235 (2m) (e).

21 **SECTION 72uq.** 23.23 (4) (a) of the statutes is renumbered 23.235 (4) (a) and  
22 amended to read:

23 23.235 (4) (a) The Under the program established under s. 23.22, the  
24 department shall make a reasonable effort to develop a statewide education program

1 effort on the effects of ~~purple loosestrife~~ nuisance weeds, as provided in this  
2 subsection.

3 **SECTION 72uv.** 23.23 (4) (b) of the statutes is renumbered 23.235 (4) (b) and  
4 amended to read:

5 23.235 (4) (b) The department shall make a reasonable effort to educate the  
6 authorities in charge of the maintenance of all federal, state and county trunk  
7 highways and all forest and park land in this state on methods to identify and control  
8 ~~purple loosestrife and multiflora rose~~ nuisance weeds. The department of  
9 transportation and all other authorities in charge of the maintenance of highways,  
10 forests and parks may cooperate with the department in efforts under this  
11 paragraph.

12 **SECTION 72vd.** 23.23 (4) (c) of the statutes is renumbered 23.235 (4) (c).

13 **SECTION 72vj.** 23.235 (1) of the statutes is renumbered 23.235 (1) (intro.) and  
14 amended to read:

15 23.235 (1) DEFINITIONS. (intro.) In this section, ~~“nuisance;~~

16 (a) “Nuisance weeds” means ~~any nonnative member of the genus Lythrum~~  
17 (purple loosestrife) or hybrids thereof and multiflora rose.

18 **SECTION 72vm.** 23.235 (2) of the statutes, as affected by 2001 Wisconsin Act  
19 16, is amended to read:

20 23.235 (2) PROHIBITION. Except as provided in sub. ~~(3)~~ (3m), no person may sell,  
21 offer for sale, distribute, plant, or cultivate any multiflora rose or seeds thereof.

22 **SECTION 72vq.** 23.235 (2m) (title) of the statutes is created to read:

23 23.235 (2m) (title) CONTROL EFFORTS.

24 **SECTION 72vv.** 23.235 (3) of the statutes is repealed.

25 **SECTION 72wd.** 23.235 (4) (title) of the statutes is created to read:

1           23.235 (4) (title) EDUCATION.

2           **SECTION 72wj.** 23.235 (5) of the statutes is amended to read:

3           23.235 (5) PENALTY Any person who knowingly violates ~~this section~~ sub. (2)  
4 shall forfeit not more than \$100. Each violation of this section is a separate offense.

5           **SECTION 72wm.** 23.24 (1) (g) of the statutes, as created by 2001 Wisconsin Act  
6 16, is amended to read:

7           23.24 (1) (g) “Invasive aquatic plant” means an aquatic plant that is designated  
8 under sub. (2) (b) 1.

9           **SECTION 72wq.** 23.24 (2) (title) of the statutes, as created by 2001 Wisconsin  
10 Act 16, is repealed and recreated to read:

11           23.24 (2) (title) DEPARTMENT DUTIES.

12           **SECTION 72wv.** 23.24 (2) (a) 1. of the statutes, as created by 2001 Wisconsin Act  
13 16, is amended to read:

14           23.24 (2) (a) 1. ~~Protect~~ Implement efforts to protect and develop diverse and  
15 stable communities of native aquatic plants.

16           **SECTION 72xd.** 23.24 (2) (a) 3. of the statutes, as created by 2001 Wisconsin Act  
17 16, is renumbered 23.22 (2) (b) 5. and amended to read:

18           23.22 (2) (b) 5. Provide education and encourage and conduct research  
19 concerning invasive aquatic plants species.

20           **SECTION 72xj.** 23.24 (2) (b) (intro.) and 1. of the statutes, as created by 2001  
21 Wisconsin Act 16, are consolidated, renumbered 23.24 (2) (b) and amended to read:

22           23.24 (2) (b) Under the program implemented under par. (a), the department  
23 shall ~~do all of the following:~~ 1. Designate designate by rule which aquatic plants are  
24 invasive aquatic plants for purposes of this section. The department shall designate  
25 Eurasian water milfoil, curly leaf pondweed, and purple loosestrife as invasive

1 aquatic plants and may designate any other aquatic plant as an invasive aquatic  
2 plant if it has the ability to cause significant adverse change to desirable aquatic  
3 habitat, to significantly displace desirable aquatic vegetation, or to reduce the yield  
4 of products produced by aquaculture.

5 **SECTION 72xm.** 23.24 (2) (b) 2. of the statutes, as created by 2001 Wisconsin  
6 Act 16, is renumbered 23.24 (2) (a) 4.

7 **SECTION 72xq.** 23.24 (2) (c) (intro.) of the statutes, as created by 2001 Wisconsin  
8 Act 16, is amended to read:

9 23.24 (2) (c) (intro.) The requirements promulgated under par. ~~(b) 2.~~ (a) 4. may  
10 specify any of the following:

11 **SECTION 72xv.** 23.24 (3) (a) (intro.) of the statutes, as created by 2001 Wisconsin  
12 Act 16, is amended to read:

13 23.24 (3) (a) (intro.) Unless a person has a valid aquatic plant management  
14 permit issued ~~under the program established under sub. (2) by the department,~~ no  
15 person may do any of the following:"

16 **3.** Page 30, line 17: after that line insert:

17 "SECTION 88g. 30.1255 (title) of the statutes is amended to read:

18 **30.1255** (title) **Control Report on control of aquatic nuisance species.**

19 **SECTION 88m.** 30.1255 (3) (b) of the statutes is amended to read:

20 30.1255 (3) (b) The department shall submit the ~~first~~ report under par. (a)  
21 before July 1, 1994 2002, and shall submit subsequent reports ~~before July 1 of each~~  
22 even-numbered year thereafter as part of the biennial report under s. 23.22 (6).

23 **SECTION 88r.** 30.1255 (3) (c) of the statutes is repealed."

24 **4.** Page 360, line 13: after that line insert:

1           “(2f) INVASIVE SPECIES COUNCIL STAGGERED TERMS. Notwithstanding the length  
2 of term specified in section 15.347 (18) (b) 7. of the statutes, as created in this act, of  
3 the members first appointed to the invasive species council under section 15.347 (18)  
4 (b) 7. of the statutes, as created by this act, the governor shall designate 2 members  
5 to serve for terms expiring on July 1, 2007, 2 members to serve for terms expiring on  
6 July 1, 2008, and 3 members to serve for terms expiring on July 1, 2009.”.

7

(END)

*(Handwritten notes and signatures)*



Today  
State of Wisconsin  
2001 - 2002 LEGISLATURE

January 2002 Special Session

D-Note

RmR  
13  
LRBb25128  
MGG:hmh/pg

LFB:.....Hotynski – Invasive species program

FOR 2001-03 BUDGET – NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 10, line 8: after that line insert:

3 "SECTION 14h. 15.347 (18) of the statutes is created to read:

4 15.347 (18) INVASIVE SPECIES COUNCIL. (a) There is created an invasive species  
5 council that is attached to the department of natural resources under s. 15.03.

6 (b) The council consists of the following members:

7 1. The secretary of natural resources or his or her designee.

8 2. The secretary of administration or his or her designee.

9 3. The secretary of agriculture, trade and consumer protection or his or her  
10 designee.

1           4. The secretary of commerce or his or her designee.

2           5. The secretary of tourism or his or her designee.

3           6. The secretary of transportation or his or her designee.

4           7. Seven other members appointed by the governor to serve 5-year terms.

5           (c) The members appointed under par. (b) 7. shall represent public and private  
6 interests that are affected by the presence of invasive species in this state.”

7           **2.** Page 28, line 2: after that line insert:

8           “**SECTION 72t.** 23.22 of the statutes is created to read:

9           **23.22 Invasive species. (1) DEFINITIONS.** In this section:

10           (a) “Control” means to cut, remove, destroy, suppress, or prevent the  
11 introduction or spread of.

12           (b) “Council” means the invasive species council.

13           (c) “Invasive species” means nonindigenous species whose introduction causes  
14 or is likely to cause economic or environmental harm or harm to human health.

15           (d) “State agency” means a board, commission, committee, department, or  
16 office in the state government.

17           **(2) DEPARTMENT RESPONSIBILITIES.** (a) The department shall establish a  
18 statewide program to control invasive species in this state.

19           (b) As part of the program established under par. (a), the department shall do  
20 all of the following:

21           1. Create and implement a statewide management plan to control invasive  
22 species in this state, which shall include inspections as specified under sub. (5).

23           2. Administer the program established under s. 23.24 as it relates to invasive  
24 aquatic plants.

1           3. Encourage cooperation among state agencies and other entities to control  
2           invasive species in this state.

3           4. Seek public and private funding for the program.

4           6. Promulgate rules to classify invasive species for purposes of the program.

5           In promulgating these rules, the department shall consider the recommendations of  
6           the council under sub. (3) (a).

7           (c) Under the program established under par. (a), the department shall  
8           promulgate rules to establish a procedure to award cost-sharing grants to public and  
9           private entities for up to 50% of the costs of projects to control invasive species. Any  
10          rules promulgated under this paragraph shall establish criteria for determining  
11          eligible projects and eligible grant recipients and shall allow cost-share  
12          contributions to be in the form of money or in-kind goods or services or any  
13          combination thereof. In promulgating these rules, the department shall consider the  
14          recommendations of the council under sub. (3) (c).

15          **(3) COUNCIL DUTIES.** (a) The council shall make recommendations to the  
16          department for a system for classifying invasive species under the program  
17          established under sub. (2). The recommendations shall contain criteria for each  
18          classification to be used, the allowed activities associated with each classification,  
19          criteria for determining state priorities for controlling invasive species under each  
20          classification, and criteria for determining the types of actions to be taken in  
21          response to the introduction or spread of a native species under each classification.

22          (b) Under the program established under sub. (2), the council shall conduct  
23          studies of issues related to controlling invasive species. The studies shall address  
24          all of the following:



1           1. The effect of the state's bait industry on the introduction and spread of  
2           invasive species.

3           2. The state's pet industry on the introduction and spread of invasive species.

4           3. The acquisition of invasive species through mail order and Internet sales.

5           4. Any other issue as determined by the council.

6           (c) The council shall make recommendations to the department on the  
7           establishment of a procedure for awarding cost-sharing grants under sub. (2) (c) to  
8           public and private entities for up to 50% of the costs of eligible projects to control  
9           invasive species. The recommendations shall contain criteria for determining  
10          eligibility for these grants and for determining which applicants should be awarded  
11          the grants.

12          (d) To assist the council in its work, the council shall create 4 subcommittees  
13          on the subjects of education, research, regulation, and interagency coordination. The  
14          council may create additional subcommittees on other subjects.

15          (5) INSPECTIONS. As part of the statewide management plan, the department  
16          shall create a watercraft inspection program under which the department shall  
17          conduct ~~random~~ periodic inspections of boats, boating equipment, and boat trailers  
18          entering and leaving navigable waters and shall educate boaters about the threat of  
19          invasive species that are aquatic species. The department shall encourage the use  
20          of volunteers or may use department employees for these inspections.

21          (6) REPORTS. (a) The department shall submit to the legislature under s. 13.172  
22          (2), and to the governor and the council, a biennial report that includes all of the  
23          following:

1           1. Details on the administration of the program established under sub. (2),  
2 including an assessment as to the progress that is being made in controlling invasive  
3 species in this state.

4           2. A description of state funding that has been expended under the program.

5           3. A description of funding from other sources that has been expended to control  
6 invasive species in this state.

7           4. An assessment of the future needs of the program.

8           (b) The department shall submit the biennial report under par. (a) before July  
9 1 of each even-numbered year. The first biennial report shall be submitted no later  
10 than July 1, 2004. Each report shall cover the 24-month period ending on the March  
11 31 that immediately precedes the date of the report.

12           (c) In addition to the report required under par. (a), the department shall  
13 submit an interim performance report to the legislature under s. 13.172 (2), and to  
14 the governor and the council, on the progress that has been made on the control of  
15 invasive species. The department shall submit this interim performance report  
16 before July 1 of each odd-numbered year. The first interim performance report shall  
17 be submitted no later than July 1, 2005. Each interim performance report shall cover  
18 the 12-month period ending on the March 31 that immediately precedes the date of  
19 the interim performance report.

20           (7) APPEARANCE BEFORE LEGISLATURE. Upon request of a standing committee of  
21 the legislature with jurisdiction over matters related to the environment, natural  
22 resources, or agriculture, the director of the program shall appear to testify.

23           **SECTION 72td.** 23.23 (title) of the statutes is repealed.

24           **SECTION 72tj.** 23.23 (1) of the statutes is renumbered 23.235 (1) (b) and  
25 amended to read:

1           23.235 (1) (b) ~~In this section, “purple~~ “Purple loosestrife” means any nonnative  
2 member of the genus *Lythrum*.

3           **SECTION 72tm.** 23.23 (2) of the statutes is renumbered 23.235 (3m) and  
4 amended to read:

5           23.235 (3m) RESEARCH. ~~The~~ Under the program established under s. 23.22, the  
6 department shall make a reasonable effort to conduct research to determine  
7 alternative methods to contain and control purple loosestrife in the most  
8 environmentally sound manner and may conduct other research on the control of  
9 nuisance weeds. The secretaries of natural resources and of agriculture, trade and  
10 consumer protection may authorize any person to plant or cultivate nuisance weeds  
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13 amended to read:

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15 department shall make a reasonable effort to develop a statewide ~~program~~ plan to  
16 control purple loosestrife on both public and private lands, as provided in this  
17 subsection.

18           **SECTION 72tv.** 23.23 (3) (b) of the statutes is renumbered 23.235 (2m) (b) and  
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21 control and quarantine methods on public lands as soon as practicable. The  
22 department shall make a reasonable effort to employ the least environmentally  
23 harmful methods available that are effective, based on research conducted under  
24 sub. (2) (3m).

25           **SECTION 72ud.** 23.23 (3) (c) of the statutes is renumbered 23.235 (2m) (c).

1           **SECTION 72uj.** 23.23 (3) (d) of the statutes is renumbered 23.235 (2m) (d).

2           **SECTION 72um.** 23.23 (3) (e) of the statutes is renumbered 23.235 (2m) (e).

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13 highways and all forest and park land in this state on methods to identify and control  
14 ~~purple loosestrife and multiflora rose~~ nuisance weeds. The department of  
15 transportation and all other authorities in charge of the maintenance of highways,  
16 forests and parks may cooperate with the department in efforts under this  
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22           (a) “Nuisance weeds” means ~~any nonnative member of the genus Lythrum~~  
23 (~~purple loosestrife~~) or hybrids thereof and multiflora rose.

24           **SECTION 72vm.** 23.235 (2) of the statutes, as affected by 2001 Wisconsin Act  
25 16, is amended to read:

1           23.235 (2) PROHIBITION. Except as provided in sub. ~~(3)~~ (3m), no person may sell,  
2 offer for sale, distribute, plant, or cultivate any multiflora rose or seeds thereof.

3           **SECTION 72vq.** 23.235 (2m) (title) of the statutes is created to read:

4           23.235 (2m) (title) CONTROL EFFORTS.

5           **SECTION 72vv.** 23.235 (3) of the statutes is repealed.

6           **SECTION 72wd.** 23.235 (4) (title) of the statutes is created to read:

7           23.235 (4) (title) EDUCATION.

8           **SECTION 72wj.** 23.235 (5) of the statutes is amended to read:

9           23.235 (5) PENALTY. Any person who knowingly violates ~~this section sub. (2)~~  
10 shall forfeit not more than \$100. Each violation of this section is a separate offense.

11           **SECTION 72wm.** 23.24 (1) (g) of the statutes, as created by 2001 Wisconsin Act  
12 16, is amended to read:

13           23.24 (1) (g) “Invasive aquatic plant” means an aquatic plant that is designated  
14 under sub. (2) (b) 1.

15           **SECTION 72wq.** 23.24 (2) (title) of the statutes, as created by 2001 Wisconsin  
16 Act 16, is repealed and recreated to read:

17           23.24 (2) (title) DEPARTMENT DUTIES.

18           **SECTION 72wv.** 23.24 (2) (a) 1. of the statutes, as created by 2001 Wisconsin Act  
19 16, is amended to read:

20           23.24 (2) (a) 1. ~~Protect~~ Implement efforts to protect and develop diverse and  
21 stable communities of native aquatic plants.

22           **SECTION 72xd.** 23.24 (2) (a) 3. of the statutes, as created by 2001 Wisconsin Act  
23 16, is renumbered 23.22 (2) (b) 5. and amended to read:

24           23.22 (2) (b) 5. Provide education and encourage and conduct research  
25 concerning invasive aquatic plants species.

1           **SECTION 72xj.** 23.24 (2) (b) (intro.) and 1. of the statutes, as created by 2001  
2 Wisconsin Act 16, are consolidated, renumbered 23.24 (2) (b) and amended to read:

3           23.24 (2) (b) Under the program implemented under par. (a), the department  
4 shall ~~do all of the following:~~ 1. ~~Designate~~ designate by rule which aquatic plants are  
5 invasive aquatic plants for purposes of this section. The department shall designate  
6 Eurasian water milfoil, curly leaf pondweed, and purple loosestrife as invasive  
7 aquatic plants and may designate any other aquatic plant as an invasive aquatic  
8 plant if it has the ability to cause significant adverse change to desirable aquatic  
9 habitat, to significantly displace desirable aquatic vegetation, or to reduce the yield  
10 of products produced by aquaculture.

11           **SECTION 72xm.** 23.24 (2) (b) 2. of the statutes, as created by 2001 Wisconsin  
12 Act 16, is renumbered 23.24 (2) (a) 4.

13           **SECTION 72xq.** 23.24 (2) (c) (intro.) of the statutes, as created by 2001 Wisconsin  
14 Act 16, is amended to read:

15           23.24 (2) (c) (intro.) The requirements promulgated under par. ~~(b) 2.~~ (a) 4. may  
16 specify any of the following:

17           **SECTION 72xv.** 23.24 (3) (a) (intro.) of the statutes, as created by 2001 Wisconsin  
18 Act 16, is amended to read:

19           23.24 (3) (a) (intro.) Unless a person has a valid aquatic plant management  
20 permit issued ~~under the program established under sub. (2) by the department,~~ no  
21 person may do any of the following:”

22           **3.** Page 30, line 17: after that line insert:

23           “**SECTION 88g.** 30.1255 (title) of the statutes is amended to read:

24           **30.1255 (title) Control Report on control of aquatic nuisance species.**



LRB62512/3

D-Note

Attn: Brian Pleva

this

At the request of Daryl King at the LFB, ~~this~~ redraft deletes the term "random"

in proposed s. 23.22(5) in connection

with ~~the~~ DNR's authority to conduct ~~the~~ periodic inspections of boats. ~~This~~

change was made

RNK



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

LRBb2512/3dn  
MGG:hmh:rs

March 13, 2002

Attn: Brian Pleva

At the request of Daryl Hinz at the LFB, this redraft deletes the term "random" in proposed s. 23.22 (5) in connection with DNR's authority to conduct periodic inspections of boats.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us

## Beam, Laura

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**From:** Beam, Laura  
**Sent:** Wednesday, March 13, 2002 6:24 PM  
**To:** Pleva, Brian  
**Subject:** LRBb2512 attached



01b2512/3



State of Wisconsin  
2001 - 2002 LEGISLATURE  
January 2002 Special Session

LRBb2512/3  
MGG:hmh:rs

LFB:.....Hotynski – Invasive species program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 1. Page 10, line 8: after that line insert:
- 3 "SECTION 14h. 15.347 (18) of the statutes is created to read:
- 4 15.347 (18) INVASIVE SPECIES COUNCIL. (a) There is created an invasive species
- 5 council that is attached to the department of natural resources under s. 15.03.
- 6 (b) The council consists of the following members:
- 7 1. The secretary of natural resources or his or her designee.
- 8 2. The secretary of administration or his or her designee.
- 9 3. The secretary of agriculture, trade and consumer protection or his or her
- 10 designee.

- 1           4. The secretary of commerce or his or her designee.
- 2           5. The secretary of tourism or his or her designee.
- 3           6. The secretary of transportation or his or her designee.
- 4           7. Seven other members appointed by the governor to serve 5-year terms.

5           (c) The members appointed under par. (b) 7. shall represent public and private  
6 interests that are affected by the presence of invasive species in this state.”.

7           **2.** Page 28, line 2: after that line insert:

8           “**SECTION 72t.** 23.22 of the statutes is created to read:

9           **23.22 Invasive species. (1) DEFINITIONS.** In this section:

10           (a) “Control” means to cut, remove, destroy, suppress, or prevent the  
11 introduction or spread of.

12           (b) “Council” means the invasive species council.

13           (c) “Invasive species” means nonindigenous species whose introduction causes  
14 or is likely to cause economic or environmental harm or harm to human health.

15           (d) “State agency” means a board, commission, committee, department, or  
16 office in the state government.

17           **(2) DEPARTMENT RESPONSIBILITIES.** (a) The department shall establish a  
18 statewide program to control invasive species in this state.

19           (b) As part of the program established under par. (a), the department shall do  
20 all of the following:

21           1. Create and implement a statewide management plan to control invasive  
22 species in this state, which shall include inspections as specified under sub. (5).

23           2. Administer the program established under s. 23.24 as it relates to invasive  
24 aquatic plants.

1           3. Encourage cooperation among state agencies and other entities to control  
2           invasive species in this state.

3           4. Seek public and private funding for the program.

4           6. Promulgate rules to classify invasive species for purposes of the program.

5           In promulgating these rules, the department shall consider the recommendations of  
6           the council under sub. (3) (a).

7           (c) Under the program established under par. (a), the department shall  
8           promulgate rules to establish a procedure to award cost-sharing grants to public and  
9           private entities for up to 50% of the costs of projects to control invasive species. Any  
10          rules promulgated under this paragraph shall establish criteria for determining  
11          eligible projects and eligible grant recipients and shall allow cost-share  
12          contributions to be in the form of money or in-kind goods or services or any  
13          combination thereof. In promulgating these rules, the department shall consider the  
14          recommendations of the council under sub. (3) (c).

15          **(3) COUNCIL DUTIES.** (a) The council shall make recommendations to the  
16          department for a system for classifying invasive species under the program  
17          established under sub. (2). The recommendations shall contain criteria for each  
18          classification to be used, the allowed activities associated with each classification,  
19          criteria for determining state priorities for controlling invasive species under each  
20          classification, and criteria for determining the types of actions to be taken in  
21          response to the introduction or spread of a native species under each classification.

22          (b) Under the program established under sub. (2), the council shall conduct  
23          studies of issues related to controlling invasive species. The studies shall address  
24          all of the following:

1           1. The effect of the state's bait industry on the introduction and spread of  
2           invasive species.

3           2. The state's pet industry on the introduction and spread of invasive species.

4           3. The acquisition of invasive species through mail order and Internet sales.

5           4. Any other issue as determined by the council.

6           (c) The council shall make recommendations to the department on the  
7           establishment of a procedure for awarding cost-sharing grants under sub. (2) (c) to  
8           public and private entities for up to 50% of the costs of eligible projects to control  
9           invasive species. The recommendations shall contain criteria for determining  
10          eligibility for these grants and for determining which applicants should be awarded  
11          the grants.

12          (d) To assist the council in its work, the council shall create 4 subcommittees  
13          on the subjects of education, research, regulation, and interagency coordination. The  
14          council may create additional subcommittees on other subjects.

15          **(5) INSPECTIONS.** As part of the statewide management plan, the department  
16          shall create a watercraft inspection program under which the department shall  
17          conduct periodic inspections of boats, boating equipment, and boat trailers entering  
18          and leaving navigable waters and shall educate boaters about the threat of invasive  
19          species that are aquatic species. The department shall encourage the use of  
20          volunteers or may use department employees for these inspections.

21          **(6) REPORTS.** (a) The department shall submit to the legislature under s. 13.172  
22          (2), and to the governor and the council, a biennial report that includes all of the  
23          following:

1           1. Details on the administration of the program established under sub. (2),  
2 including an assessment as to the progress that is being made in controlling invasive  
3 species in this state.

4           2. A description of state funding that has been expended under the program.

5           3. A description of funding from other sources that has been expended to control  
6 invasive species in this state.

7           4. An assessment of the future needs of the program.

8           (b) The department shall submit the biennial report under par. (a) before July  
9 1 of each even-numbered year. The first biennial report shall be submitted no later  
10 than July 1, 2004. Each report shall cover the 24-month period ending on the March  
11 31 that immediately precedes the date of the report.

12           (c) In addition to the report required under par. (a), the department shall  
13 submit an interim performance report to the legislature under s. 13.172 (2), and to  
14 the governor and the council, on the progress that has been made on the control of  
15 invasive species. The department shall submit this interim performance report  
16 before July 1 of each odd-numbered year. The first interim performance report shall  
17 be submitted no later than July 1, 2005. Each interim performance report shall cover  
18 the 12-month period ending on the March 31 that immediately precedes the date of  
19 the interim performance report.

20           (7) APPEARANCE BEFORE LEGISLATURE. Upon request of a standing committee of  
21 the legislature with jurisdiction over matters related to the environment, natural  
22 resources, or agriculture, the director of the program shall appear to testify.

23           **SECTION 72td.** 23.23 (title) of the statutes is repealed.

24           **SECTION 72tj.** 23.23 (1) of the statutes is renumbered 23.235 (1) (b) and  
25 amended to read:

1           23.235 (1) (b) ~~In this section, “purple~~ “Purple loosestrife” means any nonnative  
2 member of the genus Lythrum.

3           **SECTION 72tm.** 23.23 (2) of the statutes is renumbered 23.235 (3m) and  
4 amended to read:

5           23.235 (3m) RESEARCH. The Under the program established under s. 23.22, the  
6 department shall make a reasonable effort to conduct research to determine  
7 alternative methods to contain and control purple loosestrife in the most  
8 environmentally sound manner and may conduct other research on the control of  
9 nuisance weeds. The secretaries of natural resources and of agriculture, trade and  
10 consumer protection may authorize any person to plant or cultivate nuisance weeds  
11 for the purpose of controlled experimentation.

12           **SECTION 72tq.** 23.23 (3) (a) of the statutes is renumbered 23.235 (2m) (a) and  
13 amended to read:

14           23.235 (2m) (a) The Under the program established under s. 23.22, the  
15 department shall make a reasonable effort to develop a statewide ~~program~~ plan to  
16 control purple loosestrife on both public and private lands, as provided in this  
17 subsection.

18           **SECTION 72tv.** 23.23 (3) (b) of the statutes is renumbered 23.235 (2m) (b) and  
19 amended to read:

20           23.235 (2m) (b) The department shall make a reasonable effort to implement  
21 control and quarantine methods on public lands as soon as practicable. The  
22 department shall make a reasonable effort to employ the least environmentally  
23 harmful methods available that are effective, based on research conducted under  
24 sub. (2) (3m).

25           **SECTION 72ud.** 23.23 (3) (c) of the statutes is renumbered 23.235 (2m) (c).



1           **SECTION 72uj.** 23.23 (3) (d) of the statutes is renumbered 23.235 (2m) (d).

2           **SECTION 72um.** 23.23 (3) (e) of the statutes is renumbered 23.235 (2m) (e).

3           **SECTION 72uq.** 23.23 (4) (a) of the statutes is renumbered 23.235 (4) (a) and  
4 amended to read:

5           23.235 (4) (a) ~~The~~ Under the program established under s. 23.22, the  
6 department shall make a reasonable effort to develop a statewide education ~~program~~  
7 effort on the effects of ~~purple loosestrife~~ nuisance weeds, as provided in this  
8 subsection.

9           **SECTION 72uv.** 23.23 (4) (b) of the statutes is renumbered 23.235 (4) (b) and  
10 amended to read:

11           23.235 (4) (b) The department shall make a reasonable effort to educate the  
12 authorities in charge of the maintenance of all federal, state and county trunk  
13 highways and all forest and park land in this state on methods to identify and control  
14 ~~purple loosestrife and multiflora rose~~ nuisance weeds. The department of  
15 transportation and all other authorities in charge of the maintenance of highways,  
16 forests and parks may cooperate with the department in efforts under this  
17 paragraph.

18           **SECTION 72vd.** 23.23 (4) (c) of the statutes is renumbered 23.235 (4) (c).

19           **SECTION 72vj.** 23.235 (1) of the statutes is renumbered 23.235 (1) (intro.) and  
20 amended to read:

21           23.235 (1) DEFINITIONS. (intro.) In this section, ~~“nuisance;~~

22           (a) “Nuisance weeds” means any nonnative member of the genus Lythrum  
23 (purple loosestrife) or hybrids thereof and multiflora rose.

24           **SECTION 72vm.** 23.235 (2) of the statutes, as affected by 2001 Wisconsin Act  
25 16, is amended to read:

1           23.235 (2) PROHIBITION. Except as provided in sub. ~~(3)~~ (3m), no person may sell,  
2 offer for sale, distribute, plant, or cultivate any multiflora rose or seeds thereof.

3           **SECTION 72vq.** 23.235 (2m) (title) of the statutes is created to read:

4           23.235 (2m) (title) CONTROL EFFORTS.

5           **SECTION 72vv.** 23.235 (3) of the statutes is repealed.

6           **SECTION 72wd.** 23.235 (4) (title) of the statutes is created to read:

7           23.235 (4) (title) EDUCATION.

8           **SECTION 72wj.** 23.235 (5) of the statutes is amended to read:

9           23.235 (5) PENALTY. Any person who knowingly violates ~~this section~~ sub. (2)  
10 shall forfeit not more than \$100. Each violation of this section is a separate offense.

11           **SECTION 72wm.** 23.24 (1) (g) of the statutes, as created by 2001 Wisconsin Act  
12 16, is amended to read:

13           23.24 (1) (g) “Invasive aquatic plant” means an aquatic plant that is designated  
14 under sub. (2) (b) 1.

15           **SECTION 72wq.** 23.24 (2) (title) of the statutes, as created by 2001 Wisconsin  
16 Act 16, is repealed and recreated to read:

17           23.24 (2) (title) DEPARTMENT DUTIES.

18           **SECTION 72wv.** 23.24 (2) (a) 1. of the statutes, as created by 2001 Wisconsin Act  
19 16, is amended to read:

20           23.24 (2) (a) 1. ~~Protect~~ Implement efforts to protect and develop diverse and  
21 stable communities of native aquatic plants.

22           **SECTION 72xd.** 23.24 (2) (a) 3. of the statutes, as created by 2001 Wisconsin Act  
23 16, is renumbered 23.22 (2) (b) 5. and amended to read:

24           23.22 (2) (b) 5. Provide education and encourage and conduct research  
25 concerning invasive aquatic plants species.

1           **SECTION 72xj.** 23.24 (2) (b) (intro.) and 1. of the statutes, as created by 2001  
2 Wisconsin Act 16, are consolidated, renumbered 23.24 (2) (b) and amended to read:

3           23.24 (2) (b) Under the program implemented under par. (a), the department  
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5 invasive aquatic plants for purposes of this section. The department shall designate  
6 Eurasian water milfoil, curly leaf pondweed, and purple loosestrife as invasive  
7 aquatic plants and may designate any other aquatic plant as an invasive aquatic  
8 plant if it has the ability to cause significant adverse change to desirable aquatic  
9 habitat, to significantly displace desirable aquatic vegetation, or to reduce the yield  
10 of products produced by aquaculture.

11           **SECTION 72xm.** 23.24 (2) (b) 2. of the statutes, as created by 2001 Wisconsin  
12 Act 16, is renumbered 23.24 (2) (a) 4.

13           **SECTION 72xq.** 23.24 (2) (c) (intro.) of the statutes, as created by 2001 Wisconsin  
14 Act 16, is amended to read:

15           23.24 (2) (c) (intro.) The requirements promulgated under par. ~~(b) 2.~~ (a) 4. may  
16 specify any of the following:

17           **SECTION 72xv.** 23.24 (3) (a) (intro.) of the statutes, as created by 2001 Wisconsin  
18 Act 16, is amended to read:

19           23.24 (3) (a) (intro.) Unless a person has a valid aquatic plant management  
20 permit issued ~~under the program established under sub. (2) by the department,~~ no  
21 person may do any of the following:".

22           **3.** Page 30, line 17: after that line insert:

23           "SECTION 88g. 30.1255 (title) of the statutes is amended to read:

24           **30.1255 (title) Control Report on control of aquatic nuisance species.**

