

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: **03/28/2002**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Engel**

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

Drafter: **gibsom**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

SCC:.....Engel - CN5510,

Topic:

Invasive species program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gibsom 03/28/2002	csicilia 03/29/2002		_____			
/1			jfrantze 03/29/2002	_____	lrb_docadmin 03/29/2002		
/2	gibsom 03/29/2002	csicilia 03/29/2002	chanaman 03/29/2002	_____	lrb_docadmin 03/29/2002		
/3	gibsom 04/04/2002	csicilia 04/04/2002	rschluet 04/04/2002	_____	lrb_docadmin 04/04/2002		

FE Sent For:

<END>

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/1			jfrantze 03/29/2002	_____	lrb_docadmin 03/29/2002		
/2	gibsom 03/29/2002	csicilia 03/29/2002	chanaman 03/29/2002	_____	lrb_docadmin 03/29/2002		

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/?	gibson 03/28/2002	csicilia 03/29/2002		_____			
/1		1/2 cjs 3/29 02	jfrantze 03/29/2002	_____	lrb_docadmin 03/29/2002		

FE Sent For:

1/3 cjs 4/3
02

<END>

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By/Representing: Engel

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Drafter: gibsom

May Contact:

Addl. Drafters:

Subject: Nat. Res. - miscellaneous

Extra Copies:

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Pre Topic:

SCC:.....Engel - CN5510,

Topic:

Invasive species program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	gibsom	1 y 3/28 02	3/29	3/29			

FE Sent For:

<END>

Natural Resources

Provide authorization for staffing for a statewide invasive species program

POSITIONS FOR ADMINISTRATION OF THE STATEWIDE INVASIVE SPECIES PROGRAM.

The authorized FTE positions for the department of natural resources are increased by 2.0 SEG positions to be funded from the appropriation under section 20.370 (4)(aq) of the statutes, to provide a statewide program director and full-time staff position to administer the statewide invasive species program created in this act.

Also ^{put} ~~put~~ in program per Engel

CN 5510

MEG

2001

Date (time) needed _____

LRB b 2916 1.1 *RM not R*

CAUCUS BUDGET AMENDMENT
[CAUCUS AMDTS. ONLY]

Mob : *cjs* :

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

SCC

**CAUCUS AMENDMENT
TO SENATE SUBSTITUTE AMENDMENT 1
TO 2001 SPECIAL SESSION ASSEMBLY BILL 1**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page , line :

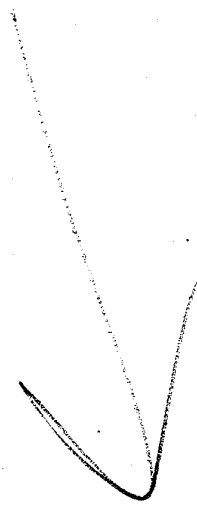
#. Page , line :

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**SENATE AMENDMENT ,
TO SENATE 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, 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.

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

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

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

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

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

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

← INSERT 2-4

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

7 **23.22 Invasive species. (1) DEFINITIONS.** In this section:

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

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

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

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

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

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

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

21 2. Administer the program established under s. 23.24 as it relates to invasive
22 aquatic plants. ✓

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

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 create a watercraft inspection program under which the department shall
14 conduct periodic inspections of boats, boating equipment, and boat trailers entering
15 and leaving navigable waters and shall educate boaters about the threat of invasive
16 species that are aquatic species. The department shall encourage the use of
17 volunteers or may use department employees for these inspections.

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

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

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

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

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

4 (b) The department shall submit the biennial report under par. (a) before July
5 1 of each even-numbered year. The first biennial report shall be submitted no later
6 than July 1, 2004. Each report shall cover the 24-month period ending on the March
7 31 that immediately precedes the date of the report. ✓

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

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

19 SECTION 72td. 23.23^x (title) of the statutes is repealed.

20 SECTION 72tj. 23.23^x (1) of the statutes is renumbered 23.235 (1) (b) and
21 amended to read:

22 23.235 (1) (b) ~~In this section, "purple~~ "Purple loosestrife" means any nonnative
23 member of the genus *Lythrum*.

24 SECTION 72tm. 23.23^x (2) of the statutes is renumbered 23.235 (3m) and
25 amended to read:

1 **23.235 (3m) RESEARCH.** ~~The~~ Under the program established under s. 23.22, the
2 department shall make a reasonable effort to conduct research to determine
3 alternative methods to contain and control purple loosestrife in the most
4 environmentally sound manner and may conduct other research on the control of
5 nuisance weeds. The secretaries of natural resources and of agriculture, trade and
6 consumer protection may authorize any person to plant or cultivate nuisance weeds
7 for the purpose of controlled experimentation.

8 **SECTION 72tq.** 23.23 ^{lx}(3) (a) of the statutes is renumbered 23.235 (2m) (a) and
9 amended to read:

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

14 **SECTION 72tv.** 23.23 ^{lx}(3) (b) of the statutes is renumbered 23.235 (2m) (b) and
15 amended to read:

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

21 **SECTION 72ud.** 23.23 ^{lx}(3) (c) of the statutes is renumbered 23.235 (2m) (c).

22 **SECTION 72uj.** 23.23 ^{lx}(3) (d) of the statutes is renumbered 23.235 (2m) (d).

23 **SECTION 72um.** 23.23 ^{lx}(3) (e) of the statutes is renumbered 23.235 (2m) (e).

24 **SECTION 72uq.** 23.23 ^{lx}(4) (a) of the statutes is renumbered 23.235 (4) (a) and
25 amended to read:

1 23.235 (4) (a) The Under the program established under s. 23.22, the
2 department shall make a reasonable effort to develop a statewide education ~~program~~
3 ~~effort~~ on the effects of ~~purple loosestrife~~ nuisance weeds, as provided in this
4 subsection.

5 ^X
6 **SECTION 72uv.** 23.23 (4) (b) of the statutes is renumbered 23.235 (4) (b) and
7 amended to read:

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

15 ^X
16 **SECTION 72vd.** 23.23 (4) (c) of the statutes is renumbered 23.235 (4) (c).

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

20 23.235 (1) DEFINITIONS. (intro.) In this section, ~~“nuisance;~~

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

24 ^X
25 **SECTION 72vm.** 23.235 (2) of the statutes, as affected by 2001 Wisconsin Act
26 16, is amended to read:

27 23.235 (2) PROHIBITION. Except as provided in sub. (3) (3m), no person may sell,
28 offer for sale, distribute, plant, or cultivate any multiflora rose or seeds thereof.

29 ^X
30 **SECTION 72vq.** 23.235 (2m) (title) of the statutes is created to read:

31 23.235 (2m) (title) CONTROL EFFORTS.

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

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

3 23.235 (4) (title) EDUCATION.

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

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

7 **SECTION 72wm.** 23.24 (1) (g) of the statutes, as created by 2001 Wisconsin Act
8 16, is amended to read:

9 23.24 (1) (g) "Invasive aquatic plant" means an aquatic plant that is designated
10 under sub. (2) (b) 1.

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

13 23.24 (2) (title) DEPARTMENT DUTIES.

14 **SECTION 72wv.** 23.24 (2) (a) 1. of the statutes, as created by 2001 Wisconsin Act
15 16, is amended to read:

16 23.24 (2) (a) 1. ~~Protect~~ Implement efforts to protect and develop diverse and
17 stable communities of native aquatic plants.

18 **SECTION 72xd.** 23.24 (2) (a) 3. of the statutes, as created by 2001 Wisconsin Act
19 16, is renumbered 23.22 (2) (b) 5. and amended to read:

20 23.22 (2) (b) 5. Provide education and encourage and conduct research
21 concerning invasive aquatic plants species.

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

24 23.24 (2) (b) Under the program implemented under par. (a), the department
25 shall ~~do all of the following:~~ 1. Designate ~~designate~~ by rule which aquatic plants are

1 invasive aquatic plants for purposes of this section. The department shall designate
2 Eurasian water milfoil, curly leaf pondweed, and purple loosestrife as invasive
3 aquatic plants and may designate any other aquatic plant as an invasive aquatic
4 plant if it has the ability to cause significant adverse change to desirable aquatic
5 habitat, to significantly displace desirable aquatic vegetation, or to reduce the yield
6 of products produced by aquaculture.

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

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

11 23.24 (2) (c) (intro.) The requirements promulgated under par. (b) 2. (a) 4. may
12 specify any of the following:

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

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

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

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

20 30.1255 (title) **Control Report on control of aquatic nuisance species.**

21 SECTION 88q. 30.1255 (3) (b) of the statutes is amended to read:

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

SECTION 88r. 30.1255 (3) (c) of the statutes is repealed.”

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

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

(END)

INSERT 10-8

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2916/?ins
MGG:.....

as affected
by 2001 Wisconsin
Act 16)

Insert 2-4

1. Page 15, line 24: after that line insert:

"SECTION 36fb. 20.370 (4) (aq) of the statutes is amended to read:

20.370 (4) (aq) *Water resources management* — ~~management activities~~ *invasive species program*. The amounts in the schedule for lake and river management and other water resource management activities and for the invasive species program under s. 23.22."

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22m to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16.

Insert 10-8

2fxr

(§) POSITIONS FOR INVASIVE SPECIES PROGRAM. The authorized FTE positions for the department of natural resources are increased by 2.0 SEG positions to be funded from the appropriation under section 20.370 (4) (aq) of the statutes, as affected by this act to provide a program director and staff position for the statewide invasive species program under s. 23.22 of the statutes, as created by this act."

lets
now



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

RMR
LRBb2916/02 a
MGG:cjs:jf
T
Stays

D-N

SCC:.....Engel - CN5510, Invasive species program

FOR 2001-03 BUDGET -- NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT ,
TO SENATE 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, 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 15, line 24: after that line insert:

8 “**SECTION 36fb.** 20.370 (4) (aq) of the statutes, as affected by 2001 Wisconsin
9 Act 16, is amended to read:

10 20.370 (4) (aq) *Water resources management — ~~management activities~~ invasive*
11 *species program.* The amounts in the schedule for lake and river management and
12 other water resource management activities and for the invasive species program
13 under s. 23.22.”.

14 **3.** Page 28, line 2: after that line insert:

15 “**SECTION 72t.** 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.

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

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

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

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

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

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

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

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

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

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

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

23 **(3) COUNCIL DUTIES.** (a) The council shall make recommendations to the
24 department for a system for classifying invasive species under the program
25 established under sub. (2). The recommendations shall contain criteria for each

1 classification to be used, the allowed activities associated with each classification,
2 criteria for determining state priorities for controlling invasive species under each
3 classification, and criteria for determining the types of actions to be taken in
4 response to the introduction or spread of a native species under each classification.

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

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

10 2. The ^{effect of the} state's pet industry on the introduction and spread of invasive species.

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

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

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

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

22 (5) INSPECTIONS. As part of the statewide management plan, the department
23 shall create a watercraft inspection program under which the department shall
24 conduct periodic inspections of boats, boating equipment, and boat trailers entering
25 and leaving navigable waters and shall educate boaters about the threat of invasive

1 species that are aquatic species. The department shall encourage the use of
2 volunteers or may use department employees for these inspections.

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

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

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

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

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

13 (b) The department shall submit the biennial report under par. (a) before July
14 1 of each even-numbered year. The first biennial report shall be submitted no later
15 than July 1, 2004. Each report shall cover the 24-month period ending on the March
16 31 that immediately precedes the date of the report.

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

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

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

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

7 23.235 (1) (b) ~~In this section, “purple~~ “Purple loosestrife” means any nonnative
8 member of the genus *Lythrum*.

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

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

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

20 23.235 (2m) (a) ~~The~~ Under the program established under s. 23.22, the
21 department shall make a reasonable effort to develop a statewide program plan to
22 control purple loosestrife on both public and private lands, as provided in this
23 subsection.

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

1 23.235 (2m) (b) The department shall make a reasonable effort to implement
2 control and quarantine methods on public lands as soon as practicable. The
3 department shall make a reasonable effort to employ the least environmentally
4 harmful methods available that are effective, based on research conducted under
5 sub. ~~(2)~~ (3m).

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

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

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

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

11 23.235 (4) (a) ~~The~~ Under the program established under s. 23.22, the
12 department shall make a reasonable effort to develop a statewide education ~~program~~
13 effort on the effects of ~~purple loosestrife~~ nuisance weeds, as provided in this
14 subsection.

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

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

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

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

3 23.235 (1) DEFINITIONS. (intro.) In this section, ~~“nuisance;~~

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

6 **SECTION 72vm.** 23.235 (2) of the statutes, as affected by 2001 Wisconsin Act
7 16, is amended to read:

8 23.235 (2) PROHIBITION. Except as provided in sub. ~~(3)~~ (3m), no person may sell,
9 offer for sale, distribute, plant, or cultivate any multiflora rose or seeds thereof.

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

11 23.235 (2m) (title) CONTROL EFFORTS.

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

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

14 23.235 (4) (title) EDUCATION.

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

16 23.235 (5) PENALTY. Any person who knowingly violates ~~this section~~ sub. (2)
17 shall forfeit not more than \$100. Each violation of this section is a separate offense.

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

20 23.24 (1) (g) “Invasive aquatic plant” means an aquatic plant that is designated
21 under sub. (2) (b) 4.

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

24 23.24 (2) (title) DEPARTMENT DUTIES.

1 **SECTION 72wv.** 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 72xd.** 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 72xj.** 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 72xm.** 23.24 (2) (b) 2. of the statutes, as created by 2001 Wisconsin
20 Act 16, is renumbered 23.24 (2) (a) 4.

21 **SECTION 72xq.** 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:

1 **SECTION 72xv.** 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 **4.** Page 30, line 17: after that line insert:

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

8 **30.1255** (title) **Control Report on control of aquatic nuisance species.**

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

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

13 **SECTION 88r.** 30.1255 (3) (c) of the statutes is repealed.”

14 **5.** Page 360, line 13: after that line insert:

15 “(2fxq) **INVASIVE SPECIES COUNCIL STAGGERED TERMS.** Notwithstanding the length
16 of term specified in section 15.347 (18) (b) 7. of the statutes, as created in this act, of
17 the members first appointed to the invasive species council under section 15.347 (18)
18 (b) 7. of the statutes, as created by this act, the governor shall designate 2 members
19 to serve for terms expiring on July 1, 2007, 2 members to serve for terms expiring on
20 July 1, 2008, and 3 members to serve for terms expiring on July 1, 2009.

21 (2fxr) **POSITIONS FOR INVASIVE SPECIES PROGRAM.** The authorized FTE positions
22 for the department of natural resources are increased by 2.0 SEG positions to be
23 funded from the appropriation under section 20.370 (4) (aq) of the statutes, as

1 affected by this act, to provide a program director and staff position for the statewide
2 invasive species program under s. 23.22 of the statutes, as created by this act.”

3 (END)

(D-N)

This redraft adds ~~clarifying~~ the phrase "effect
of the" in s. 23.22 (3)(b)2.

MGG

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

LRBb2916/2dn
MGG:cjs:cmh

March 29, 2002

This redraft adds the phrase "effect of the" in s. 23.22 (3) (b) 2.

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



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

RMR
LRBb2916/3
MGG:cjs:cmh

now only change on p. 2

stays

SCC:.....Engel - CN5510, Invasive species program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT ,

TO SENATE 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, 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 15, line 24: after that line insert:

8 “SECTION 36fb. 20.370 (4) (aq) of the statutes, as affected by 2001 Wisconsin
9 Act 16, is amended to read:

10 20.370 (4) (aq) *Water resources management* — ~~management activities~~ lake, river, and invasive
11 species ~~management~~ ^{management} program. The amounts in the schedule for lake and river management and
12 other water resource management activities and for the invasive species program
13 under s. 23.22.”

14 **3.** Page 28, line 2: after that line insert:

15 “SECTION 72t. 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.

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

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

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

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

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

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

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

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

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

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

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

23 **(3) COUNCIL DUTIES.** (a) The council shall make recommendations to the
24 department for a system for classifying invasive species under the program
25 established under sub. (2). The recommendations shall contain criteria for each

1 classification to be used, the allowed activities associated with each classification,
2 criteria for determining state priorities for controlling invasive species under each
3 classification, and criteria for determining the types of actions to be taken in
4 response to the introduction or spread of a native species under each classification.

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

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

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

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

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

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

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

23 (5) INSPECTIONS. As part of the statewide management plan, the department
24 shall create a watercraft inspection program under which the department shall
25 conduct periodic inspections of boats, boating equipment, and boat trailers entering

1 and leaving navigable waters and shall educate boaters about the threat of invasive
2 species that are aquatic species. The department shall encourage the use of
3 volunteers or may use department employees for these inspections.

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

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

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

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

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

14 (b) The department shall submit the biennial report under par. (a) before July
15 1 of each even-numbered year. The first biennial report shall be submitted no later
16 than July 1, 2004. Each report shall cover the 24-month period ending on the March
17 31 that immediately precedes the date of the report.

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

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

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

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

7 23.235 (1) (b) ~~In this section,~~ “purple “Purple loosestrife” means any nonnative
8 member of the genus *Lythrum*.

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

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

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

20 23.235 (2m) (a) ~~The~~ Under the program established under s. 23.22, the
21 department shall make a reasonable effort to develop a statewide ~~program~~ plan to
22 control purple loosestrife on both public and private lands, as provided in this
23 subsection.

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

1 23.235 (2m) (b) The department shall make a reasonable effort to implement
2 control and quarantine methods on public lands as soon as practicable. The
3 department shall make a reasonable effort to employ the least environmentally
4 harmful methods available that are effective, based on research conducted under
5 sub. ~~(2)~~ (3m).

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

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

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

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

11 23.235 (4) (a) ~~The~~ Under the program established under s. 23.22, the
12 department shall make a reasonable effort to develop a statewide education ~~program~~
13 effort on the effects of ~~purple loosestrife~~ nuisance weeds, as provided in this
14 subsection.

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

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

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

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

3 23.235 (1) DEFINITIONS. (intro.) In this section, ~~“nuisance;~~

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

6 **SECTION 72vm.** 23.235 (2) of the statutes, as affected by 2001 Wisconsin Act
7 16, is amended to read:

8 23.235 (2) PROHIBITION. Except as provided in sub. ~~(3)~~ (3m), no person may sell,
9 offer for sale, distribute, plant, or cultivate any multiflora rose or seeds thereof.

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

11 23.235 (2m) (title) CONTROL EFFORTS.

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

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

14 23.235 (4) (title) EDUCATION.

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

16 23.235 (5) PENALTY. Any person who knowingly violates ~~this section~~ sub. (2)
17 shall forfeit not more than \$100. Each violation of this section is a separate offense.

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

20 23.24 (1) (g) “Invasive aquatic plant” means an aquatic plant that is designated
21 under sub. (2) (b) 1.

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

24 23.24 (2) (title) DEPARTMENT DUTIES.

1 **SECTION 72wv.** 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 72xd.** 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 72xj.** 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 72xm.** 23.24 (2) (b) 2. of the statutes, as created by 2001 Wisconsin
20 Act 16, is renumbered 23.24 (2) (a) 4.

21 **SECTION 72xq.** 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:

1 **SECTION 72xv.** 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 **4.** Page 30, line 17: after that line insert:

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

8 **30.1255** (title) **Control Report on control of aquatic nuisance species.**

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

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

13 **SECTION 88r.** 30.1255 (3) (c) of the statutes is repealed.”.

14 **5.** Page 360, line 13: after that line insert:

15 “(2fxq) **INVASIVE SPECIES COUNCIL STAGGERED TERMS.** Notwithstanding the length
16 of term specified in section 15.347 (18) (b) 7. of the statutes, as created in this act, of
17 the members first appointed to the invasive species council under section 15.347 (18)
18 (b) 7. of the statutes, as created by this act, the governor shall designate 2 members
19 to serve for terms expiring on July 1, 2007, 2 members to serve for terms expiring on
20 July 1, 2008, and 3 members to serve for terms expiring on July 1, 2009.

21 “(2fxr) **POSITIONS FOR INVASIVE SPECIES PROGRAM.** The authorized FTE positions
22 for the department of natural resources are increased by 2.0 SEG positions to be
23 funded from the appropriation under section 20.370 (4) (aq) of the statutes, as

1 affected by this act, to provide a program director and staff position for the statewide
2 invasive species program under s. 23.22 of the statutes, as created by this act.”.

3 (END)



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2916/3
MGG:cjs:rs

SCC:.....Engel – CN5510, Invasive species program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT ,
TO SENATE 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, 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 15, line 24: after that line insert:

8 “**SECTION 36fb.** 20.370 (4) (aq) of the statutes, as affected by 2001 Wisconsin
9 Act 16, is amended to read:

10 20.370 (4) (aq) *Water resources management — ~~management activities lake,~~*
11 *river, and invasive species management.* The amounts in the schedule for lake and
12 river management and other water resource management activities and for the
13 invasive species program under s. 23.22.”.

14 **3.** Page 28, line 2: after that line insert:

15 “**SECTION 72t.** 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.

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

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

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

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

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

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

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

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

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

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

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

23 **(3) COUNCIL DUTIES.** (a) The council shall make recommendations to the
24 department for a system for classifying invasive species under the program
25 established under sub. (2). The recommendations shall contain criteria for each

1 classification to be used, the allowed activities associated with each classification,
2 criteria for determining state priorities for controlling invasive species under each
3 classification, and criteria for determining the types of actions to be taken in
4 response to the introduction or spread of a native species under each classification.

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

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

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

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

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

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

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

23 (5) INSPECTIONS. As part of the statewide management plan, the department
24 shall create a watercraft inspection program under which the department shall
25 conduct periodic inspections of boats, boating equipment, and boat trailers entering

1 and leaving navigable waters and shall educate boaters about the threat of invasive
2 species that are aquatic species. The department shall encourage the use of
3 volunteers or may use department employees for these inspections.

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

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

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

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

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

14 (b) The department shall submit the biennial report under par. (a) before July
15 1 of each even-numbered year. The first biennial report shall be submitted no later
16 than July 1, 2004. Each report shall cover the 24-month period ending on the March
17 31 that immediately precedes the date of the report.

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

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

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

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

7 23.235 (1) (b) ~~In this section,~~ “purple “Purple loosestrife” means any nonnative
8 member of the genus *Lythrum*.

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

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

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

20 23.235 (2m) (a) ~~The~~ Under the program established under s. 23.22, the
21 department shall make a reasonable effort to develop a statewide ~~program~~ plan to
22 control purple loosestrife on both public and private lands, as provided in this
23 subsection.

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

1 23.235 (2m) (b) The department shall make a reasonable effort to implement
2 control and quarantine methods on public lands as soon as practicable. The
3 department shall make a reasonable effort to employ the least environmentally
4 harmful methods available that are effective, based on research conducted under
5 sub. ~~(2)~~ (3m).

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

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

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

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

11 23.235 (4) (a) ~~The~~ Under the program established under s. 23.22, the
12 department shall make a reasonable effort to develop a statewide education ~~program~~
13 effort on the effects of ~~purple loosestrife~~ nuisance weeds, as provided in this
14 subsection.

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

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

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

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

3 23.235 (1) DEFINITIONS. (intro.) In this section, ~~“nuisance;~~

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

6 **SECTION 72vm.** 23.235 (2) of the statutes, as affected by 2001 Wisconsin Act
7 16, is amended to read:

8 23.235 (2) PROHIBITION. Except as provided in sub. ~~(3)~~ (3m), no person may sell,
9 offer for sale, distribute, plant, or cultivate any multiflora rose or seeds thereof.

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

11 23.235 (2m) (title) CONTROL EFFORTS.

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

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

14 23.235 (4) (title) EDUCATION.

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

16 23.235 (5) PENALTY. Any person who knowingly violates ~~this section~~ sub. (2)
17 shall forfeit not more than \$100. Each violation of this section is a separate offense.

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

20 23.24 (1) (g) “Invasive aquatic plant” means an aquatic plant that is designated
21 under sub. (2) (b) 1.

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

24 23.24 (2) (title) DEPARTMENT DUTIES.

1 **SECTION 72wv.** 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 72xd.** 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 72xj.** 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 72xm.** 23.24 (2) (b) 2. of the statutes, as created by 2001 Wisconsin
20 Act 16, is renumbered 23.24 (2) (a) 4.

21 **SECTION 72xq.** 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:

1 **SECTION 72xv.** 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 **4.** Page 30, line 17: after that line insert:

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

8 **30.1255** (title) **Control Report on control of aquatic nuisance species.**

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

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

13 **SECTION 88r.** 30.1255 (3) (c) of the statutes is repealed.”

14 **5.** Page 360, line 13: after that line insert:

15 “(2fxq) **INVASIVE SPECIES COUNCIL STAGGERED TERMS.** Notwithstanding the length
16 of term specified in section 15.347 (18) (b) 7. of the statutes, as created in this act, of
17 the members first appointed to the invasive species council under section 15.347 (18)
18 (b) 7. of the statutes, as created by this act, the governor shall designate 2 members
19 to serve for terms expiring on July 1, 2007, 2 members to serve for terms expiring on
20 July 1, 2008, and 3 members to serve for terms expiring on July 1, 2009.

21 “(2fxr) **POSITIONS FOR INVASIVE SPECIES PROGRAM.** The authorized FTE positions
22 for the department of natural resources are increased by 2.0 SEG positions to be
23 funded from the appropriation under section 20.370 (4) (aq) of the statutes, as

1 affected by this act, to provide a program director and staff position for the statewide
2 invasive species program under s. 23.22 of the statutes, as created by this act.”.

3 (END)