

2007 DRAFTING REQUEST

Bill

Received: **10/25/2006**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Roger Breske (608) 266-2509**

By/Representing: **Beth Piliouras**

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

Drafter: **mglass**

May Contact:

Addl. Drafters: **agary**

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Breske@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Regulation of invasive species

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>
/?							
/P1	rkite 11/15/2006	kfollett 12/08/2006	jfrantze 12/08/2006	_____	sbasford 12/08/2006		S&L
	rkite 04/27/2007			_____			
/1	mglass 01/25/2008	kfollett 01/25/2008	rschluet 01/28/2008	_____	lparisi 01/28/2008	sbasford 02/04/2008	

FE Sent For:

<END>

at
intro

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Submit via email: YES

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/?							
/P1	rkite 11/15/2006	kfollett 12/08/2006	jfrantze 12/08/2006		sbasford 12/08/2006		

FE Sent For:

1/15/07
1/25/07

[Handwritten signature]
12/28/06
<END>

4-27-07
Hold RNK

Yed
04-30-07

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BAB

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/?	rkite	1P1/gf 12/8	76 12/8	76/RS 12/8			

FE Sent For:

<END>

Kite, Robin

From: Piliouras, Elizabeth
Sent: Monday, October 23, 2006 4:20 PM
To: Kite, Robin
Subject: Breske Draft Request

Hi Robin:

Senator Breske would like legislation drafted that prohibits the possession and transport of invasive species in Wisconsin, similar to Minnesota's law.

I found two passages on the MN website, which he would like to start with and go from there...

- 1. Certain invasive species that can threaten natural resources and their use have been designated as prohibited invasive species in MN. It is unlawful (a misdemeanor) to possess, import, purchase, transport, or introduce these species except under a permit for disposal, control, research, or education. The prohibited invasive species in Minnesota include the following and any hybrids, cultivars or varieties of the species listed below:
[will fill in the list later - after consulting with DNR]*
- 2. Under (MN) state law, it is unlawful to:*
 - a. Transport aquatic plants on public roads, except as allowed in statute (\$50 civil penalty);*
 - b. Transport zebra mussels and other prohibited species of animals on a public road (\$250 civil penalty or misdemeanor)*
 - c. Place or attempt to place into waters of the state a boat, seaplane, or trailer that has aquatic plants (\$100 civil penalty), zebra mussels, or other prohibited invasive species attached (\$500 civil penalty or misdemeanor).*

?s - is there a monetary threshold for civil penalties that qualify it as a misdemeanor, or is that only in MN?

Let me know if you have questions or if I should direct this to someone else.

*Thanks in advance,
Beth*

Beth Piliouras
Senator Roger Breske
608-266-2509

Kite, Robin

From: Piliouras, Elizabeth
Sent: Friday, October 27, 2006 11:57 AM
To: Kite, Robin
Subject: RE: Breske Draft Request

Yes.

Will do. Thanks.

From: Kite, Robin
Sent: Friday, October 27, 2006 11:56 AM
To: Piliouras, Elizabeth
Subject: RE: Breske Draft Request

Also, take a look at s.23.235 which concerns nuisance weeds and purple loosestrife.

And just to clarify, you want the offense to be a criminal offense (misdemeanor) punishable by the payment of a fine as opposed to a civil offense punishable by the payment of a forfeiture?

Robin

From: Piliouras, Elizabeth
Sent: Friday, October 27, 2006 11:50 AM
To: Kite, Robin
Subject: RE: Breske Draft Request

I wasn't having much luck coming up with the particular statutes that are already covered so I'm grateful for the references and having a starting place.

The biggest change would be under #2 which would prohibit transporting aquatic plants not just invasive species or exotic species – this would allow state patrol to stop anyone pulling a watercraft with plants hanging from it. Based on your comments, then, it makes more sense to start with a misdemeanor offense. No potential jail time, just a fine.

The specific ones with larger fines under #2, such as zebra mussels, are fairly easy to identify. Would like to keep it in (the difference in fines) for now, unless State Patrol really thinks they can't identify zebra mussels.

#1 should also include terrestrial invasive species and therefore s.23.22 would need to be expanded or an additional list added? An example is purple loosestrife.

Let me know if I missing stuff...

*Thanks again!
Beth*

From: Kite, Robin

10/27/2006

Sent: Friday, October 27, 2006 11:38 AM
To: Piliouras, Elizabeth
Subject: RE: Breske Draft Request

If you would like the offense to be punishable by a forfeiture and authorize the state patrol to charge a person with the offense by means of a citation, the draft will have to give that specific authority to the state patrol. As a practical matter, I question how the state patrol will be able to enforce this law. Unless they have training or other knowledge about invasive species, they probably will not be able to spot those species on a boat or other vehicle. Without probable cause to believe that the boat or vehicle has an invasive species in or on the boat or vehicle, I don't think that state patrol can stop that boat or vehicle. It seems to me that you might want DNR conservation wardens to be enforcing this law because of the expertise of DNR in this area. Just some thoughts.

Also, upon initial review of your proposal, I think that parts of your proposal are already included in current law. You might want to take a look at s. 23.22, stats. which requires DNR to implement a statewide management plan to control invasive species, s. 23.22, stats. which requires DNR to designate by rule which aquatic plants are invasive aquatic plants and which prohibits distribution of invasive aquatic plants, and s. 30.715, stats. which prohibits a person from placing a boat, boating equipment, or a boat trailer in a navigable water if the the person has reason to believe that aquatic plants are attached. It also includes some provisions that relate to zebra mussels.

Let me know how you would like me to proceed on the enforcement issue or if you have any other questions.

Robin

From: Piliouras, Elizabeth
Sent: Wednesday, October 25, 2006 1:17 PM
To: Kite, Robin
Subject: RE: Breske Draft Request

Sorry to answer a question with a question, however, State Patrol will presumably be involved in some of the enforcement... does it make it difficult for them if it's a forfeiture? I think the Senator is hesitant to make have it stay on someone's criminal record, but it still should be enforceable.

Does that make any sense?
 Beth

From: Kite, Robin
Sent: Wednesday, October 25, 2006 10:42 AM
To: Piliouras, Elizabeth
Subject: RE: Breske Draft Request

Beth,

I will enter your request. In answer to your question about penalties: A misdemeanor is a crime that is punishable by a fine or imprisonment in jail (not state prison) or both. A felony is a crime that is punishable by imprisonment in a state prison. A forfeiture is a civil penalty.

Do you want the penalties in your draft to be civil (forfeitures) or criminal (misdemeanors)?

Robin

From: Piliouras, Elizabeth

10/27/2006

Sent: Monday, October 23, 2006 4:20 PM
To: Kite, Robin
Subject: Breske Draft Request

Hi Robin:

Senator Breske would like legislation drafted that prohibits the possession and transport of invasive species in Wisconsin, similar to Minnesota's law.

I found two passages on the MN website, which he would like to start with and go from there...

1. ✓ Certain invasive species that can threaten natural resources and their use have been designated as prohibited invasive species in MN. It is unlawful (a misdemeanor) to possess, import, purchase, transport, or introduce these species except under a permit for disposal, control, research, or education. The prohibited invasive species in Minnesota include the following and any hybrids, cultivars or varieties of the species listed below:
[will fill in the list later - after consulting with DNR]
2. Under (MN) state law, it is unlawful to:
 - ✓ a. Transport aquatic plants on public roads, except as allowed in statute (\$50 civil penalty);
 - ✓ b. Transport zebra mussels and other prohibited species of animals on a public road (\$250 civil penalty or misdemeanor)
 - ✓ c. Place or attempt to place into waters of the state a boat, seaplane, or trailer that has aquatic plants (\$100 civil penalty), zebra mussels, or other prohibited invasive species attached (\$500 civil penalty or misdemeanor).

?s - is there a monetary threshold for civil penalties that qualify it as a misdemeanor, or is that only in MN?

Let me know if you have questions or if I should direct this to someone else.

Thanks in advance,
Beth

Beth Piliouras

Senator Roger Breske
608-266-2509



PI
In 11/15

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen

1 AN ACT ...; relating to: the possession, purchase, or transportation of, or the
2 introduction into this state of, certain invasive species, and providing penalties.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 23.22 (2) (b) 1m. of the statutes is created to read:
4 23.22 (2) (b) 1m. Require a permit, under conditions specified by the
5 department, for the possession, purchase, or transportation of, or introduction into
6 this state of, any invasive species specified by the department by rule, unless the
7 possession, purchase, transportation, or introduction are authorized under a permit
8 issued under s. 23.24, s. 29.614, or s. 169.25.
9 SECTION 2. 30.714 (4) (c) and (d) of the statutes are repealed.

1 SECTION 3. 30.715 (title) of the statutes is amended to read:

2 30.715 (title) **Placement of seaplanes, boats, trailers, and equipment in**
3 **navigable waters.**

History: 2001 a. 16 ss. 1307 to 1317.

4 SECTION 4. 30.715 (1) (am) of the statutes is created to read:

5 30.715 (1) (am) "Invasive species" has the meaning given in s. 23.22 (1) (c).

6 SECTION 5. 30.715 (2) of the statutes is amended to read:

7 30.715 (2) No person may place or use a seaplane, boat, or boating equipment
8 or place a boat trailer in a navigable water if the person has reason to believe that
9 the seaplane, boat, boat trailer, or boating equipment has any ~~aquatic plants~~
10 invasive species attached.

History: 2001 a. 16 ss. 1307 to 1317.

11 SECTION 6. 30.715 (3) of the statutes is repealed.

12 SECTION 7. 30.715 (4) (a) of the statutes is amended to read:

13 30.715 (4) (a) Remove ~~aquatic plants~~ invasive species from a seaplane, boat,
14 boat trailer, or boating equipment before placing it in a navigable water.

History: 2001 a. 16 ss. 1307 to 1317.

15 SECTION 8. 30.715 (4) (b) of the statutes is amended to read:

16 30.715 (4) (b) Remove or not place a seaplane, boat, boat trailer, or boating
17 equipment in a navigable water if the law enforcement officer has reason to believe
18 that the seaplane, boat, boat trailer, or boating equipment has ~~aquatic plants~~
19 invasive species attached.

History: 2001 a. 16 ss. 1307 to 1317.

20 SECTION 9. 30.715 (4) (c) and (d) of the statutes are repealed.

21 SECTION 10. 30.80 (7) of the statutes is created to read:

22 30.80 (7) Any person violating s. 30.715 (2) shall be fined not less than \$100
23 nor more than \$500.

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SECTION 11. 346.94 (6) of the statutes is created to read:

346.94 (6) TRANSPORTING AQUATIC PLANTS AND INVASIVE SPECIES. (a) In this subsection, "invasive species" has the meaning given in s. 23.22 (1) (c).

(b) No person may place or transport any invasive species upon a highway except as authorized under a permit issued under s. 23.22, s. 23.24, s. 29.614, or s. 169.25.

~~23.22~~ s. 23.24, s. 29.614,
(2)(b) | m.,

SECTION 12. 346.95 (4m) of the statutes is created to read:

346.95 (4m) Any person violating s. 346.94 (6) shall be fined not less than \$50 nor more than \$250.

(END)

D- Note

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

PI
LRB-0583/2dn

RNK: *kjf*

Date

within
You requested a draft that regulates invasive species based upon certain aspects of Minnesota law. Because various Wisconsin statutes already regulate invasive species, *one* under a framework that is different from Minnesota law, this draft represents my attempt to incorporate the provisions of Minnesota law that you requested into the framework of the Wisconsin statutes. For example, you requested a provision that would make it unlawful to possess, purchase, or transport or introduce into this state, certain invasive species without a permit. Because current law already requires DNR to establish a statewide program to control invasive species under s. 23.22 (2), this draft makes the permit requirement a part of the requirements of that statewide program. As requested, the draft also creates certain penalties for violations of the prohibitions created in the draft.

I have prepared this draft in preliminary form. Please review the draft very closely to ensure that it meets your intent. Please feel free to contact me if you have any questions with regard to this draft.

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

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

LRB-0583/P1dn
RNK:kjf:jf

December 8, 2006

You requested a draft that regulates invasive species based upon certain aspects of Minnesota law. Because various Wisconsin statutes already regulate invasive species within a framework that is different from Minnesota law, this draft represents my attempt to incorporate the provisions of Minnesota law that you requested into the framework of the Wisconsin statutes. For example, you requested a provision that would make it unlawful to possess, purchase, or transport or introduce into this state, certain invasive species without a permit. Because current law already requires DNR to establish a statewide program to control invasive species under s. 23.22 (2), this draft makes the permit requirement one of the requirements of that statewide program. As requested, the draft also creates certain penalties for violations of the prohibitions created in the draft.

I have prepared this draft in preliminary form. Please review the draft very closely to ensure that it meets your intent. Please feel free to contact me if you have any questions with regard to this draft.

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

Kite, Robin

From: Piliouras, Elizabeth
Sent: Sunday, February 11, 2007 9:56 AM
To: Van Haren, Thomas - DNR; Bode, Jeff B - DNR; Smith, Amber M - DNR; Heinen, Paul H - DNR; Smith, Amy R - DNR; Martin, Ronald H - DNR; Flaherty, Peter D - DNR; Stark, Randall J - DNR
Cc: Kite, Robin
Subject: RE: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

Well, I asked for it.

I know Robin's busy for now and it'll take me a bit for compare and contrast my notes... but I'll let you know.

Thank you Warden!

Beth

From: Van Haren, Thomas - DNR
Sent: Saturday, February 10, 2007 10:03 PM
To: Piliouras, Elizabeth; Bode, Jeff B - DNR; Smith, Amber M - DNR; Heinen, Paul H - DNR; Smith, Amy R - DNR; Martin, Ronald H - DNR; Flaherty, Peter D - DNR; Stark, Randall J - DNR
Cc: Kite, Robin
Subject: RE: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

I took the time to look of the draft bill a bit closer and have tried to summarize my concerns and observations below.

1. In regards to Sections 3, 4, 6 & 7 of this bill draft, I concur that within s. 30.715, keeping the language as "Aquatic plant" or updating it to read: "Aquatic plants or animals", instead of the use of the term "Invasive species" is very important from an enforceability and public understanding point of view. It will be difficult for the public and many if not most officers to identify the different types of aquatic plants and to know which ones are legal to leave attached and which ones are not (especially when they become dried to the boat or trailer). If no plants are allowed to be attached, it is simple, easy to understand and very enforceable. Developing reasonable suspicion of a violation in order to stop someone, or probable cause of a violation in order to cite or arrest someone, will be far more difficult if these violations are limited only to "Invasive species".

2. Under current law, violations of both ss. 30.715(2) & (6) are punishable by a forfeiture, which allows our wardens or other officers to use our DNR citations to cite individuals for these violations. The draft language in this bill changes violations of **s. 30.715(2) to a crime** with a minimum FINE of \$100 & max of \$500. Doing so would then require a long form criminal complaint be filed with the DA's office for any violation, and a criminal record for the individual if convicted. This will make getting a conviction much more difficult as many courts may not want to convict a person of a crime for leaving plants hanging on their boat trailer before they back it into the lake. Violations of **s. 30.715(6)** for failure to obey an order from an officer to remove a boat from the water or remove the aquatic plants or invasive species **remains a forfeiture** as prescribed by s. 30.80(1), which will continue to have a much lower maximum penalty then is being proposed for s. 30.715(2).

30.80 Penalties.

- (1) Any person violating any provision of ss. 30.50 to 30.80 for which a penalty is not provided under subs. (2) to (6) shall forfeit not more than \$50 for the first offense and shall forfeit not more than \$100 upon conviction of the same offense a 2nd or subsequent time within one year.

I would recommend changing section 9 in the draft bill to the following:

Section 9. 30.80(7) of the statutes is created to read:

30.80(7) Any person violating ss. 30.715(2) or (6) shall forfeit not less than \$50 nor more than \$200 for the first offense and shall forfeit not less than \$200 nor more than \$500 upon conviction of the same offense a 2nd or

subsequent time within one year.

This obtains a higher penalty option while still allowing officers to charge an individual on a forfeiture citation form and removes the related issues that come with questioning and prosecuting a person suspected of a criminal violation.

3. In my previous e-mail, I commented on the new restriction against transporting "Invasive Species" (found in Section 10 of the bill). The concern I have is that by placing this prohibition in Ch. 346 (motor vehicle rules of the road), Conservation Wardens will not have general authority to enforce this law, unless the violation occurs on state owned lands managed by the DNR. Since most highways on which these violations will likely occur will not be on state managed properties, a warden would only be able to respond in accordance with s. 29.921(5), Stats., which means at the request of another LE agency, or (if this violation is maintained as a criminal violation) a warden could make an arrest "for the crime committed in his/her presence", but then must turn the person and the case over to the local authorities. As written, enforcement of the transportation prohibition would be very difficult for Conservation wardens. I am not sure how much attention officers from other agencies will give this violation, especially if a crime as is currently proposed under Section 11 of this draft bill. Wardens need to have the same authority to enforce the transportation violations that other officers will have.

This transportation restriction would be greatly improved by:

1. providing wardens specific authority under s. 29.921(1),
2. changing this violation to a forfeiture in Section 11, similar to what is recommended for Section 9 above, and
3. providing the ability to use the DNR citation as well as the Uniform traffic citation for enforcement of this section.

The other alternative would be to simply move this section from Ch. 346 to Chapter 23 &/or 30, to keep the transportation prohibition together with the other aquatic plants and animals or invasive species prohibitions in s. 23.22 &/or 23.24 &/or 30.715.

Amend 23.50(1) to read:

23.50 Procedure in forfeiture actions.

(1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81, ~~and 299.64 (2) and 346.94(6)~~, subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any administrative rules promulgated thereunder, violations specified under s. 285.86, violations of ch. 951 if the animal involved is a captive wild animal, violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k), violations to which s. 299.85 (7) (a) 2. or 4. applies, or violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

Amend 29.921(1) to read:

29.921 Warrants; arrests; police powers.

(1) Generally. The department and its wardens may execute and serve warrants and processes issued under any law enumerated in ss. 23.50 (1), 167.31, 346.19, ~~346.94(6)~~, 940.24, 941.20, 948.60, 948.605 and 948.61 in the same manner as any constable may serve and execute the process; and may arrest, with or without a warrant, any person detected in the actual violation, or whom the officer has probable cause to believe is guilty of a violation of any of the laws cited in this subsection, whether the violation is punishable by criminal penalties or by forfeiture, and may take the person before any court in the county where the offense was committed and make a proper complaint. For the purpose of enforcing any of the laws cited in this subsection, any officer may stop and board any boat and stop any vehicle, if the officer reasonably suspects there is a violation of those sections.

4. If the language in Sections 3, 4, 6 & 7 are changed from "Invasive species" to back to Aquatic plant or live animal", then I agree with Pete that it would be wise to create a definition of "animal for the purposes of s. 30.715. I would however recommend also adding that this term does not include a domestic animal. I am however not sure how well adding the word animal will go over with many folks, as this would essentially prohibit anyone from leaving their catch (fish, turtles, crayfish, ducks, deer, squirrels or other game) in their boat on the way home, even though it was harvested legally. They would have to move the animal or carcass into the vehicle before they could tow the boat down the highway. Maybe saying no **LIVE** animal would be better.

30.715 (a) "animal" means all vertebrate and invertebrate species, including mammals, birds, fish and shellfish, or their the eggs, larvae or young, but does not include domestic animals or humans.

This way the boater can still take fido or fifi for a ride in the boat with the family or while duck hunting (retriever), or leave their dead ducks, or deer, or fish in the boat.

5. If the newly proposed s. 346.94(6) is not moved into s. 30.715, then it appears some work needs to be done with Section 10 of this bill. The title of s. 346.94(6) created under Section 10, states "TRANSPORTING AQUATIC PLANTS AND INVASIVE SPECIES", yet paragraph (b) only refers to transporting Invasive species, and does not say it is illegal to transport "any aquatic plants". This is ok for covering just the invasive species issue, but I would recommend also adding a 3rd paragraph (c) that reads:

(c) No person may transport any boat, boating equipment or boat trailer upon a highway which has aquatic plants as defined under s. 30.715(1)(a) attached, except as authorized under a permit issued under s. 23.22(2)(b) 1m., 23.24, 29.614 or 169.25.

The other alternative would be to move this transportation language to s. 30.715.

6. In regards to Section 1 of this draft bill which requires a permit to possess, purchase, transport or introduce an Invasive Species, do we need statutory authority to establish a fee for this new type of permit by rule? We have authority to establish fees for aquatic plant management permits, under s. 23.24(3)(c), but this is a different type of permit (Invasive species permit) which may not always be an aquatic plant.

23.24(3)(c)

(c) The department may promulgate a rule to establish fees for aquatic plant management permits. Under the rule, the department may establish a different fee for an aquatic plant management permit to manage aquatic plants that are located in a body of water that is entirely confined on the property of one property owner.

I hope this is understandable. If not, feel free to give me a call.

Thomas Van Haren

Conservation Warden & Natural Resources Policy Officer

Bureau of Law Enforcement

Wisconsin Department of Natural Resources

(☎) phone: (608) 266-3244

(☎) fax: (608) 266-3696

(✉) e-mail: Thomas.VanHaren@wi.gov

From: Piliouras, Elizabeth [mailto:Elizabeth.Piliouras@legis.wisconsin.gov]

Sent: Saturday, February 10, 2007 10:54 AM

To: Bode, Jeff B - DNR; Smith, Amber M - DNR; Heinen, Paul H - DNR; Smith, Amy R - DNR; Martin, Ronald H - DNR; Flaherty, Peter D - DNR; Van Haren, Thomas - DNR; Stark, Randall J - DNR

Cc: Kite, Robin - LEGIS

Subject: RE: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

Hi Jeff:

No worries – I'm keeping the drafter busy with some other stuff right now anyway.

Comments on Warden Van Haren's comments:

1. Just to be clear – he's concurring that it should be aquatic plants, not invasive species, right?
2. I think he's referring to the new part put in under ch. 346? See #3...
3. This part is meant for traffic law enforcement, not wardens. Sorry. (more below) I have to look at why we choose crime over forfeiture, but I suspect it either had to do with the MN model or compatibility with traffic enforcement.

- a. You're going to have to check my 'bubble' on this one – in my mind, we're aiming at intra-state and inter-state tourists who are typically going to be using major travel routes – CTHs, STHs and USHs. So, in this section we're trying to empower state and county law enforcement officers to help catch these folks.
- b. If we're going to expand the enforcement authority of wardens to act on highways we might want to do so specifically?
- c. The whole permit thing seemed unavoidable when I was talking to the drafter because we don't want to prohibit the DNR, UW, etc, from doing legitimate research or education on invasive species.

As an aside... might want to briefly touch on the DNR's outreach with landowners/good stewards saying that if they have any questions on a plant they should bring them into a warden for inspection. In this case, the person would be transporting the species definitely without a permit. I would think that an officer would use discretion? But then, traffic law enforcement isn't exactly tuned into the goal of the new law...?

I'll be in touch!

Beth


From: Bode, Jeff B - DNR
Sent: Friday, February 09, 2007 10:13 PM
To: Piliouras, Elizabeth
Subject: FW: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

Hi Beth,
Sorry for our tardiness. Please see some comments from our Law Enforcement (Warden) staff. Jeff

From: Stark, Randall J - DNR
Sent: Thu 2/8/2007 9:16 PM
To: Bode, Jeff B - DNR; Smith, Amber M - DNR; Heinen, Paul H - DNR; Smith, Amy R - DNR; Martin, Ronald H - DNR; Flaherty, Peter D - DNR; Van Haren, Thomas - DNR
Subject: FW: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

Hi Jeff-

See below. We have some significant concerns with the language in this bill.

 *Randy J. Stark*

Chief Warden

Bureau of Law Enforcement

Wisconsin Department of Natural Resources

(☎) phone: (608) 266-1115

(☎) fax: (608) 266-3696

(✉) e-mail: Randall.Stark@dnr.state.wi.us

"The ultimate test of a persons conscience may be their willingness to sacrifice something today for future generations whose words of thanks will never be heard." -Gaylord Nelson

From: Van Haren, Thomas - DNR
Sent: Wednesday, February 07, 2007 4:50 PM
To: Stark, Randall J - DNR
Subject: RE: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

I took a quick look at this and have a number of concerns.

1. We will need to list which plants or animals (zebra mussels, etc.) can't be attached to a boat or trailer, instead of all aquatic plants. This will create ID problems on both the part of the public and LE. This could/will be less restrictive.
2. Changes these violations from a forfeiture to a crime. No longer will be able to issue a DNR citation.
3. Adds the new restriction on transporting "Invasive Species", but places it in Ch. 346, which we do not have general authority to enforce statewide, except that as a crime as proposed here, we could use expanded authority. This would be very cumbersome.

I need to look at it closer to see if I am missing something. But at first glance, this bill needs work.

 *Thomas Van Haren*

Conservation Warden & Natural Resources Policy Officer

Bureau of Law Enforcement

Wisconsin Department of Natural Resources

(☎) phone: (608) 266-3244

(☎) fax: (608) 266-3696

(✉) e-mail: Thomas.VanHaren@wi.gov

From: Stark, Randall J - DNR
Sent: Monday, February 05, 2007 5:54 PM
To: Van Haren, Thomas - DNR
Subject: FW: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species
Importance: High

Hi Tom - Have you seen this.....?

From: Engfer, William G - DNR
Sent: Monday, February 05, 2007 10:09 AM
To: DNR DL LE MT
Subject: FW: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species
Importance: High

Hi folks,
Any comments on this invasive species legislation draft??
See Jeff Bode's notes below and questions.
Will need to get back to them soon.

From: Bode, Jeff B - DNR

Sent: Friday, January 26, 2007 12:32 PM

To: Engfer, William G - DNR; Lutz, Michael - DNR; Flaherty, Peter D - DNR; Martin, Ronald H - DNR

Subject: FW: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

Importance: High

Senator Breske's office just sent this over and would like our comments while in the drafting stage. Specifically, to look critically at:

Section 1. requiring a permit for transport-- is this a good idea?;

Section 4. 30.715 (2) is this the language we want to see?
(note: I told her I would like to see "aquatic plants" remain);

Section 10. 346.94 (6) should we add transport of invasive species "or aquatic plants"?

and overall would it be a good idea to recodify AIS laws (drafter thought there were a lot of references and recodification might make the law more clear)?

Jeff

From: Sen.Breske

Sent: Friday, December 08, 2006 10:28 AM

To: Piliouras, Elizabeth

Subject: FW: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

From: Basford, Sarah

Sent: Friday, December 08, 2006 10:22 AM

To: Sen.Breske

Subject: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

Following is the PDF version of draft LRB 07-0583/P1 and drafter's note.

Kite, Robin

From: Piliouras, Elizabeth
Sent: Saturday, February 03, 2007 6:15 PM
To: Kite, Robin
Subject: FW: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species
Importance: High

Hi Robin:

This is the response I received from the DNR. Roger's fine with the language suggestions, but when you have time we can go through them to confirm them. There are some extra suggestions that the Natural Resources Board considered that we should contrast with the current draft. I need some help streamlining the comparison – i.e. we seem to get to the conclusion a lot faster together.

Talk to you soon...
 Beth

From: Bode, Jeff B - DNR
Sent: Monday, January 29, 2007 9:21 AM
To: Piliouras, Elizabeth
Cc: Martin, Ronald H - DNR; Flaherty, Peter D - DNR; Heinen, Paul H - DNR; Smith, Amber M - DNR; Neumann, Paul F - DNR; Ebersberger, Eric K - DNR; Ambs, Todd L - DNR
Subject: FW: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species
Importance: High

Hi Beth,

Thanks for sending us an early draft. Please see our comments below. If you have questions, please contact Ron Martin (he will be in this week until noon on Thursday, but out of town the following week) and feel comfortable contacting Peter regarding our language proposal. My plans have me on the road all this week. Again, thanks for working with us on legislative language at this early stage.

BTW, I really like Ron's suggested language to make it consistent with Clean Boat/Clean Water guidance ("**Inspect and remove aquatic plants, animals and mud from boat, trailer and equipment.**") and think Peter's propose language is well crafted.
 Jeff

From: Martin, Ronald H - DNR
Sent: Friday, January 26, 2007 3:43 PM
To: Bode, Jeff B - DNR; Flaherty, Peter D - DNR
Cc: Engfer, William G - DNR; Lutz, Michael - DNR
Subject: RE: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

Jeff,

I concur with Pete. His wording changes are what our working group recommended as part of the legislative gaps analysis and what was part of the legislative package approved by the NRB this week. The bottom line on this whole thing is: "What language should we include that is logical and enforceable?" If we change the wording from "aquatic plants" to "invasive plants", it puts the investigating officer in the tentative position of having to be a taxonomist & for all practical purposes makes the statute unenforceable.

The other argument I would make for changing the statutory language to read "aquatic plants and animals" is that it makes it consistent with the guidance we provide on all our publications and with the CBCW message and that is "**Inspect and remove aquatic plants, animals and mud from boat, trailer and equipment.**"

02/06/2007

Ron

From: Flaherty, Peter D - DNR
Sent: Friday, January 26, 2007 2:41 PM
To: Bode, Jeff B - DNR
Cc: Engfer, William G - DNR; Lutz, Michael - DNR; Martin, Ronald H - DNR
Subject: RE: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

Jeff,

First, the rules that we are developing under s. 23.22, Stats., will include a permit system for the possession, transfer or transportation of invasive species, but we won't have a public draft of these rules ready for a few months yet.

Second, I think I understand that the reason for changing "aquatic plants" to "invasive species" in this bill draft is to make s. 30.715 apply more broadly -- to **all** invasives, not just to aquatic plants. This would make the statute apply to zebra mussels and mud snails, among other things.

However, use of the term "invasive species" will create potential enforcement problems if the investigating officer doesn't have the scientific expertise to identify and distinguish native plants and animals from non-natives that are invasive. Sometimes even the experts have a hard time.

A better approach might be to add a definition of "animal" to s. 30.715(1) as follows:

- (a) "animal" means all vertebrate and invertebrate species, including mammals, birds, fish and shellfish, or their the eggs, larvae or young, but excluding humans.

Then add the phrase "and animals" or "or animals", as appropriate, to s. 30.715 where ever it refers to "aquatic plants" With this approach, it would be illegal to transport any aquatic plants or animals, and the enforcing officer would not have to scientifically prove that the lump of seaweed attached to a boat trailer included a plant species that was invasive, or a snail species that was invasive.

DNR's proposals for invasive species legislation (approved by the NRB this week) include items that call for changes to s. 30.715 similar to those proposed in this LRB draft. We are proposing the following:

9. Transportation and placement of boats, trailers, and equipment in navigable waters.

Current law (s. 30.715, Wis. Stats.) makes it "illegal to launch". It prohibits a person from placing or using a boat, boating equipment or a boat trailer in a navigable water "if the person has reason to believe" that any aquatic plants are attached. It also prohibits a person from placing or using a boat, boating equipment or a boat trailer in the Lower St. Croix River only if the person has reason to believe that zebra mussels are attached. In addition, any law enforcement officer may order a person to:

- remove aquatic plants from a boat, trailer, or equipment before placing it in a navigable water;
- remove or not place a boat, trailer, or equipment in a navigable water if the officer has reason to believe that aquatic plants are attached;
- remove zebra mussels from a boat, trailer or equipment before placing it in the Lower St. Croix River; or to
- remove or not place a boat, trailer or equipment in a navigable water if the law enforcement officer has reason to believe that zebra mussels are attached.

The current penalty for any violation of s. 30.715, Wis. Stats., is a civil forfeiture of not

more than \$50 for the first offense and not more than \$100 upon conviction of the same offense a 2nd or subsequent time within one year. This proposal would strengthen s. 30.715, Wis. Stats., in several ways: It broadens the ban on launching a boat, trailer or equipment with attached zebra mussels in the St. Croix River to make it apply to all navigable waters, consistent with the statute's treatment of attached aquatic plants. (This change corrects an apparent drafting error in the current law, which inexplicably limited the zebra mussel launching ban to the St. Croix River.) It also adds seaplanes to the list of items such as boats, trailers and boating equipment that are regulated, and it removes the subjective "reason to believe" standard for personal responsibility on the part of the operator.

Most importantly, it adds provisions to also make it "illegal to transport". The proposal makes it illegal for a person to take off in a seaplane or to transport any boat, boat trailer or boating equipment from a boat launch or associated parking area onto a public highway if aquatic plants or animals are attached, or to do so in violation of an order from a law enforcement officer who has reason to believe that aquatic plants or animals are attached.

Finally, the maximum penalties for landing a seaplane with aquatic plants or animals attached, or placing a boat, trailer or equipment with aquatic plants or animals attached into any navigable water, or for disobeying a law enforcement officer's order would increase from \$50 to \$200 for the first offense and from \$100 to \$400 upon conviction of the same offense a 2nd or subsequent time within one year, and the penalties for transporting a boat, trailer or equipment with aquatic plants or animals attached from a boat launch or associated parking area onto a public highway, or for seaplane take-off with aquatic plants or animals attached, would be set at a maximum of \$100 for the first offense and a maximum of \$200 upon conviction of the same offense a 2nd or subsequent time within one year.

10. Transport of water in boats, boat trailers, and boating equipment.

Current law does not regulate the transportation from one water body to another of boats, trailers, and equipment that contain water, even though it might hold invasive plants or animals that could easily be spread by this conduct. This proposal would resemble s. 30.715, Wis. Stats., and would require owners or operators of boats, boat trailers and boating equipment to drain all bait containers, live wells, bilges and ballast tanks, and other boating-related equipment that holds water (excluding marine sanitary systems) before the boat, trailer or equipment is transported on a public highway. The proposal would also establish specific civil penalties for violations.

Peter D. Flaherty, Attorney
 Bureau of Legal Services
 Wisconsin Department of Natural Resources
 PO Box 7921
 Madison, WI 53707-7921
 Phone: (608) 266-8254
 Fax: (608) 266-6983
 E-mail: Peter.Flaherty@wisconsin.gov

From: Bode, Jeff B - DNR

Sent: Friday, January 26, 2007 12:32 PM

To: Engfer, William G - DNR; Lutz, Michael - DNR; Flaherty, Peter D - DNR; Martin, Ronald H - DNR

Subject: FW: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

Importance: High

Senator Breske's office just sent this over and would like our comments while in the drafting stage. Specifically, Beth asks us to look critically at: Section 1. requiring a permit for transport-- is this a good idea?; Section 4. 30.715 (2) is this the language we want to see? (note: I told her I would like to see "aquatic plants" remain); Section 10. 346.94 (6) should we add transport of invasive species "or aquatic plants"?; and overall would it be a good idea to recodify AIS laws (drafter thought there were a lot of references and recodification might make the law more clear)?

Jeff

From: Piliouras, Elizabeth [mailto:Elizabeth.Piliouras@legis.wisconsin.gov]
Sent: Friday, January 26, 2007 11:57 AM
To: Bode, Jeff B - DNR
Subject: FW: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

From: Sen.Breske
Sent: Friday, December 08, 2006 10:28 AM
To: Piliouras, Elizabeth
Subject: FW: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

From: Basford, Sarah
Sent: Friday, December 08, 2006 10:22 AM
To: Sen.Breske
Subject: Draft review: LRB 07-0583/P1 Topic: Regulation of invasive species

Following is the PDF version of draft LRB 07-0583/P1 and drafter's note.

4-27-07

Per Beth -

Put on hold for now -

Kite, Robin

From: Piliouras, Elizabeth
Sent: Tuesday, January 22, 2008 7:34 PM
To: Kite, Robin
Subject: LRB0583/P1

Hi Robin:

Just what you wanted to revisit, eh?

Roger does want to get this introduced as soon as possible – if possible – to see how far he can get it moved.

But I have some new suggestions. We originally started with a model of Minnesota law, but once we ran it through DNR it became more complicated, partly because the Board approved some rules on AIS. So, what if we keep it out of DNR entirely? I suggest this because the primary goal was to stop the transport of the species.

So, from what I understand, in the draft, sections 1 – 9 fall under the DNR.

Working off of Section 9, here's my shot at some language (intended to cover terrestrial species as well that are transported on ATVs, for example):

No person may place or transport any plant visibly uncontained and attached to a vehicle transporting recreational vehicles, trailer, or recreational vehicle on any public roadway.

I'll be around tomorrow, but in a committee hearing at 10 – noon? On Thursday, I will be around until about 11:00am.

Thanks in advance!
Beth

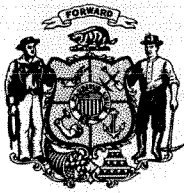
266-2509

conv w/ Beth

concerns - ~~a~~ species in aquariums

ATVs having invasive terrestrial species on wheels
exemption for DNR + UW-ext transports

take out all DNR stuff



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0583/P1

RNK:kjf

MGG/ARG: jf

Mon

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT *to repeal* 30.715 (3) and 30.715 (4) (c) and (d); *to amend* 30.715 (title),
2 30.715 (2), 30.715 (4) (a) and 30.715 (4) (b); and *to create* 23.22 (2) (b) 1m.,
3 30.715 (1) (am), 30.80 (7), 346.94 (6) and 346.95 (4m) of the statutes; **relating**
4 **to:** the possession, purchase, or transportation of, or the introduction into this
5 state of, certain invasive species and providing penalties. *INS REL*

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of this draft. *INS ANL*

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 SECTION 1. 23.22 (2) (b) 1m. of the statutes is created to read:
7 23.22 (2) (b) 1m. Require a permit for the possession, purchase, or
8 transportation of, or introduction into this state of, any invasive species specified by
9 the department by rule, unless the possession, purchase, transportation, or
10 introduction are authorized under a permit issued under s. 23.24, 29.614, or 169.25.

1 **SECTION 2.** 30.715 (title) of the statutes is amended to read:

2 **30.715 (title) Placement of seaplanes, boats, trailers, and equipment in**
3 **navigable waters.**

4 **SECTION 3.** 30.715 (1) (am) of the statutes is created to read:

5 **30.715 (1)** (am) "Invasive species" has the meaning given in s. 23.22 (1) (c).

6 **SECTION 4.** 30.715 (2) of the statutes is amended to read:

7 **30.715 (2)** No person may place or use a seaplane, boat, or boating equipment
8 or place a boat trailer in a navigable water if the person has reason to believe that
9 the seaplane, boat, boat trailer, or boating equipment has any ~~aquatic plants~~
10 invasive species attached.

11 **SECTION 5.** 30.715 (3) of the statutes is repealed.

12 **SECTION 6.** 30.715 (4) (a) of the statutes is amended to read:

13 **30.715 (4) (a)** Remove ~~aquatic plants~~ invasive species from a seaplane, boat,
14 boat trailer, or boating equipment before placing it in a navigable water.

15 **SECTION 7.** 30.715 (4) (b) of the statutes is amended to read:

16 **30.715 (4) (b)** Remove or not place a seaplane, boat, boat trailer, or boating
17 equipment in a navigable water if the law enforcement officer has reason to believe
18 that the seaplane, boat, boat trailer, or boating equipment has ~~aquatic plants~~
19 invasive species attached.

20 **SECTION 8.** 30.715 (4) (c) and (d) of the statutes are repealed.

21 **SECTION 9.** 30.80 (7) of the statutes is created to read:

22 **30.80 (7)** Any person violating s. 30.715 (2) shall be fined not less than \$100
23 nor more than \$500.

24 **SECTION 10.** 346.94 (6) of the statutes is created to read:

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0583/1insAG
ARG:.....

INS
ARG

✓
SECTION 1. 346.02 (11) of the statutes is amended to read:

346.02 (11) APPLICABILITY TO ALL-TERRAIN VEHICLES. The operator of an all-terrain vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1), (6), and (9) but is not subject to any other provision of this chapter.

History: 1971 c. 125, 277; 1981 c. 390 s. 252; 1983 a. 243; 1985 a. 29, 69; 1989 a. 56 s. 259; 1989 a. 335 s. 89; 1995 a. 138; 2001 a. 90.

✓
SECTION 2. 346.94 (6) of the statutes is created to read:

346.94 (6) OPERATION OF VEHICLES; INVASIVE SPECIES. (a) In this subsection, "invasive species" has the meaning given in s. 23.22 (1) (c).

(b) No person may operate a vehicle on a highway if the person has reason to believe that vehicle has any invasive species attached to any exterior part of the vehicle, including the vehicle's tires.

✕ (c) No person may transport any invasive species in a vehicle upon a highway unless any of the following applies:

1. The transportation of the invasive species has been authorized by the department of natural resources, the department of agriculture, trade and consumer protection, or the University of Wisconsin-Extension.

OLON

2. The transportation has been authorized under a permit issued ^{pursuant to} ~~under~~ s. 23.22
(2) ~~(b)~~ [✓] m., 23.24, [✓] or 29.614.

3. The invasive species is being transported as part of a traveling circus or to or from the Circus Museum in Baraboo.

X

4. The invasive species is being transported in a cage, aquarium, ^{or other} ~~or other~~ container.

(d) Any traffic officer having reason to believe that a violation of par. (b) or (c) has been committed may, with respect to any invasive species attached to the vehicle in violation of par. (b) or transported in violation of par. (c), do any of the following:

1. Require the operator of the vehicle to remove and appropriately dispose of the invasive species.

2. Prohibit the operator of the vehicle from proceeding until the invasive species has been removed and appropriately disposed of, or require the operator of the vehicle to proceed directly to a facility identified by the officer for the purpose of removing and appropriately disposing of the invasive species.

(e) No person may fail or refuse to comply with any requirement or directive of an officer under par. (d).

SECTION 3. 346.95 (4m) of the statutes is created to read:

346.95 (4m) Any person violating s. 346.94 (6) (b), (c), or (e) shall be fined not less than \$50 nor more than \$250.

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0583/lins
MGG:.....

1 rel clause

2 ~~note~~ the transportation of invasive species on highways and providing a penalty.

3 Insert ANL f

X Under current law, no person may not place a boat, boat trailer, or boating equipment in the person has reason to believe that an aquatic plant is attached. A similar provision prohibits a person from placing one, these items in the Lower Saint Croix River if the person has reason to believe that zebra mussels are attached.

Under this bill, no person may operate a vehicle or a trailer on a highway if the person has reason to believe that there are any terrestrial or aquatic invasive species attached to the vehicle or trailer. or → on

X Also, no person may transport any invasive species in a vehicle or trailer on a highway. The bill creates several exceptions to this prohibition. These exemptions include invasive species being transported in a cage, aquarium, or other container or invasive species being transported with the approval of the Department of Natural Resources, the Department of Agriculture, Trade and Consumer Protection, or the University of Wisconsin-Extension. The bill also authorizes traffic officers to require operators of vehicles or trailers to remove and dispose of invasive species or to prohibit a vehicle operator from proceeding until the removal and disposal of the invasive species has been completed. exceptions

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

D-N

LRB-0583/ldn
MGG: gj

Date

I added DATCP to S. 346.94(6)(c) 1. OK?

MGG

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

LRB-0583/1dn
MGG:kjf:rs

January 28, 2008

I added DATCP to s. 346.94 (6) (c) 1. OK?

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

Duerst, Christina

From: Piliouras, Elizabeth

Sent: Monday, February 04, 2008 12:31 PM

To: LRB.Legal

Subject: Draft Review: LRB 07-0583/1 Topic: Regulation of invasive species

Please Jacket LRB 07-0583/1 for the SENATE.

2/4/2008

TODAY

CCC
to

LRB-0583/1
MGG

2007 SB-454

#. Page 2, line 1: delete lines 1 to 5.

(end)

JLS

SENATE BILL 454

For further information see the *state and local* 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:

1 **SECTION 1.** 30.715 (title) of the statutes is amended to read:

2 **30.715 (title) Placement of seaplanes, boats, trailers, and equipment in**
3 **navigable waters.**

4 **SECTION 2.** 30.715 (1) (am) of the statutes is created to read:

5 **30.715 (1) (am)** “Invasive species” has the meaning given in s. 23.22 (1) (c).

6 **SECTION 3.** 346.02 (11) of the statutes is amended to read:

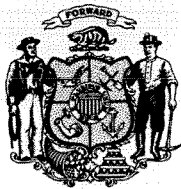
7 **346.02 (11) APPLICABILITY TO ALL-TERRAIN VEHICLES.** The operator of an
8 all-terrain vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1),
9 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,
10 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,
11 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1), (6),
12 and (9) but is not subject to any other provision of this chapter.

13 **SECTION 4.** 346.94 (6) of the statutes is created to read:

14 **346.94 (6) OPERATION OF VEHICLES; INVASIVE SPECIES.** (a) In this subsection,
15 “invasive species” has the meaning given in s. 23.22 (1) (c).

16 (b) No person may operate a vehicle on a highway if the person has reason to
17 believe that vehicle has any invasive species attached to any exterior part of the
18 vehicle, including the vehicle’s tires.

19 (c) No person may transport any invasive species in or on a vehicle upon a
20 highway unless any of the following applies:



State of Wisconsin
2007-2008 LEGISLATURE

CORRECTIONS IN:

2007 SENATE BILL 454

Prepared by the Legislative Reference Bureau
(February 25, 2008)

1. Page 2, line 1: delete lines 1 to 5.

(END)

LRB-0583/lccc-1

JLD:pg

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31; Assembly Rule 36; and Joint Rule 56.