2009 WISCONSIN ACT 377

AN ACT to renumber and amend 30.29 (1); to repeal and recreate 30.29 (3) (title); and to create 30.29 (1) (a), 30.29 (1) (c), 30.29 (3) (i) and 30.29 (3m) of the statutes; relating to: the operation of motor vehicles on the exposed beds of outlying waters to control Phragmites australis.

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

SECTION 1. 30.29 (1) of the statutes is renumbered 30.29 (1) (intro.) and amended to read:

30.29 (1) **DEFINITIONS.** (intro.) In this section, “motor vehicle” includes an all−terrain vehicle, as defined in s. 340.01 (2g).

SECTION 2. 30.29 (1) (a) of the statutes is created to read:

30.29 (1) (a) “Control” has the meaning given in s. 23.22 (1) (a).

SECTION 3. 30.29 (1) (c) of the statutes is created to read:

30.29 (1) (c) “Outlying waters” has the meaning given in s. 29.001 (63).

SECTION 4. 30.29 (3) (title) of the statutes is repealed and recreated to read:

30.29 (3) (title) **EXEMPTIONS.**

SECTION 5. 30.29 (3) (i) of the statutes is created to read:

30.29 (3) (i) **Controlling Phragmites.** A person operating a motor vehicle in compliance with sub. (3m).

SECTION 6. 30.29 (3m) of the statutes is created to read:

30.29 (3m) **CONTROLLING P HRAGMITES IN OUTLYING W ATERS.** (a) **Requirements for exemption.** A person may operate a motor vehicle in outlying waters if the operation meets all of the following requirements:

1. The operation of the motor vehicle is for the purpose of mowing or applying a herbicide for the purpose of controlling Phragmites australis.

2. The operation of the motor vehicle occurs only on the exposed bed of the outlying water.

3. The operation of the motor vehicle occurs between the period beginning on July 1 of a given year and ending on March 15 of the following year.

4. The mowing or application of the herbicide interferes with or destroys native species only to the degree that is necessary to control the invasive species Phragmites australis.