



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 55
[2009 Senate Bill 123]

Invasive Species Control

2009 Wisconsin Act 55 revises the statewide invasive species control program. This Act does all of the following:

1. Repeals the statutory provisions that generally prohibited transportation of a boat, boat trailer, or boating equipment upon a highway if it had invasive species in or attached to it.
2. Repeals the statutory provision that prohibited placing or using a boat or boating equipment in or placing a boat trailer in a navigable water if the person had reason to believe that the boat, trailer, or equipment had any aquatic plants attached.
3. Repeals the statutory provision that generally prohibited the possession, release, control, storage, sale, and transport of invasive fish species.
4. Creates a new prohibition relating to the transportation of aquatic plants and animals and the placement of objects in navigable waters. This provision generally prohibits a person from doing any of the following:
 - a. Placing or operating a vehicle, seaplane, watercraft, or other object of any kind in a navigable water if it has any aquatic plants or aquatic animals, attached to the exterior of the vehicle or object. This prohibition does not require a person to remove these plants or animals from one of these objects during the period of time when the object is being operated in the same navigable body of water in which the plants or animals became attached.
 - b. Taking off with a seaplane, or transporting or operating a vehicle, watercraft, or other object of any kind on a highway with aquatic plants or aquatic animals attached.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

The Act includes a number of exceptions to these prohibitions, including the transport of specified commercial aquatic plant harvesting equipment and the transport of duckweed incidentally attached to a vehicle or other object.

The Act also provides penalties for violations of these prohibitions of a forfeiture of not more than \$500 for the first offense and not more than \$2,000 upon conviction of the same offense a second or subsequent time within three years.

5. Provides expanded emergency rule authority to the Department of Natural Resources (DNR) related to identification, classification, and control of an invasive species.
6. Allows DNR to compel attendance of witnesses at and the production of evidence for hearings relating to the administration of the invasive species program.
7. Allows DNR to waive compliance with a requirement of or shorten a time period provided for in the invasive species program to the extent necessary to prevent an emergency condition threatening public health, safety, or welfare or the environment.
8. Requires all state agencies to cooperate with DNR in the administration of the invasive species program.
9. Authorizes DNR to promulgate rules establishing procedures for conducting investigations and inspections necessary to obtain compliance with the invasive species program.
10. Authorizes DNR to promulgate rules for the administration of a grant program for the control or eradication of noxious weeds.

Effective date: November 12, 2009.

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LAK:ksm