



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 123

**Senate
Amendments 1 and 3**

Memo published: May 19, 2009

Contact: John Stolzenberg, Chief of Research Services (266-2988)

Senate Bill 123 revises various state statutes relating to the control of invasive species. The parts of the bill relevant to the amendments addressed in this Memo are summarized below.

Senate Bill 123 creates a new provision in the invasive species statute, s. 23.22, Stats., that authorizes the Department of Natural Resources (DNR) to conduct compliance investigations, for the purpose of administering and enforcing the statewide invasive species program under this statute. This provision authorizes a warden or another representative of DNR to engage in a number of activities relating to a compliance investigation, including entering specified premises and buildings, other than a dwelling, where an invasive species is stored, processed, or held, and inspecting invasive species stored or possessed by any person.

Senate Bill 123 repeals the provisions in current law that generally prohibit a person from transporting a boat, boat trailer, or boating equipment upon a highway if the boat, trailer, or equipment has invasive species, in or attached to it [s. 23.245, Stats.]; and that prohibit the placing or using a boat or boating equipment or placing a boat trailer in a navigable water if the person has reason to believe that the boat, trailer, or equipment has any aquatic plants attached [s. 30.715 (2), Stats.]. The bill also creates a new statute, proposed s. 30.07, 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 either of the following:

- 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, as defined in the provision, attached. 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.
- 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.

Senate Bill 123 includes a number of exceptions to these prohibitions, including the transport of specified commercial aquatic plant harvesting equipment and of duckweed incidentally attached to a vehicle, seaplane, watercraft, or other object.

Senate Amendment 1 deletes the provision in the bill on compliance investigations and substitutes a provision that authorizes DNR to promulgate rules establishing procedures for conducting investigations and inspections necessary to obtain compliance with the invasive species statute.

Senate Amendment 3 provides guidance on the meaning of “attached” in the new provision created by the bill relating to the transportation of aquatic plants and animals and the placement of objects in navigable waters by stating that the provision applies to aquatic plants and animals attached “to the exterior of the vehicle, seaplane, watercraft, or other object.” The amendment also reconciles the exceptions to the prohibitions in this provision with this modification.

Legislative History

On May 4, 2009, Senator Jauch offered Senate Amendment 1. On May 6, 2009, the Senate Committee on Environment recommended adoption of Senate Amendment 1 by a vote of Ayes, 5; Noes, 0, and recommended passage of Senate Bill 123, as amended, by a vote of Ayes, 5; Noes, 0.

On May 13, 2009, Senator Jauch offered Senate Amendment 3. On May 13, 2009, the Senate adopted Senate Amendments 1 and 3 and passed Senate Bill 123, as amended, on separate voice votes.

JES:ty