



2009 ASSEMBLY BILL 942

April 7, 2010 - Introduced by Representatives SOLETSKI, NYGREN, VAN ROY, BIES, A. OTT and TOWNSEND, cosponsored by Senators HANSEN and HOLPERIN. Referred to Committee on Natural Resources.

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

Analysis by the Legislative Reference Bureau

Under current law, the operation of a motor vehicle, including an all-terrain vehicle, is prohibited in or on a navigable body of water or on the exposed bed of a body of water. Exemptions to this prohibition include operating a motor vehicle on a frozen body of water, while crossing a stream, or in conjunction with an agricultural activity.

This bill creates an additional exemption authorizing the operation of a motor vehicle on the exposed beds of Lake Superior and Lake Michigan, and other waters that are part of or connect to these lakes (outlying waters), in order to destroy or prevent the spread of the invasive species *Phragmites australis* if the operation of the motor vehicle is in compliance with certain requirements. These requirements include that the operation of the motor vehicle be limited to mowing or the application of herbicides and that the motor vehicle be operated only on the exposed bed when it is dry and only between the period beginning on August 1st and ending on the following March 15th.

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For further information see the *state* 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.** 30.29 (1) of the statutes is renumbered 30.29 (1) (intro.) and
2 amended to read:

3 30.29 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, “~~motor~~;
4 **(b)** “Motor vehicle” includes an all-terrain vehicle, as defined in s. 340.01 (2g).

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

6 30.29 (1) (a) “Control” has the meaning given in s. 23.22 (1) (a).

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

8 30.29 (1) (c) “Outlying waters” has the meaning given in s. 29.001 (63).

9 **SECTION 4.** 30.29 (3) (title) of the statutes is repealed and recreated to read:

10 30.29 (3) (title) **EXEMPTIONS**.

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

12 30.29 (3) (i) *Controlling Phragmites*. A person operating a motor vehicle in
13 compliance with sub. (3m).

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

15 30.29 (3m) **CONTROLLING PHRAGMITES IN OUTLYING WATERS**. (a) *Requirements for*
16 *exemption*. A person may operate a motor vehicle in outlying waters if the operation
17 meets all of the following requirements:

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

20 2. The operation of the motor vehicle occurs only on the exposed bed of the
21 outlying water and only when the exposed bed is dry.

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

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

6

(END)