

**2011 DRAFTING REQUEST**

**Bill**

Received: 12/22/2011

Received By: btradewe

Wanted: Soon

Companion to LRB:

For: Dale Schultz (608) 266-0703

By/Representing: Sanchit Mulmuley

May Contact:

Drafter: btradewe

Subject: Agriculture - other

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Schultz@legis.wisconsin.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

DATCP's pest abatement authority

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**Instructions:**

Like 11-0502/P1

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**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>
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FE Sent For:

<END>

*None*

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**Pest abatement authority**

The final item is a change in pest abatement authority. DATCP is authorized to conduct pest inspection and control programs under s. 94.01, Stats. DATCP is also authorized to abate pests under s. 94.02, Stats. Under s. 94.01 and 94.02, Stats., DATCP works to control serious pests such as gypsy moth, emerald ash borer and other emerging plant pests. DATCP proposes to clarify its authority under s. 94.02, Stats., to make it consistent with s. 94.01, Stats. Specifically, DATCP proposes to clarify that its authority under s. 94.02, Stats., is not limited to agricultural lands, since pests like gypsy moth and emerald ash borer are not limited to infesting agricultural lands. These pests can cause significant damage to our urban communities as well. In 1975, when this statute was written, agricultural pests were the focus of these authorities but the world has changed substantially and the while agricultural pests are still a significant part of the DATCP responsibilities, forest pests that have arrived through global trade have become an ever increasing part of the DATCP responsibilities. The proposed changes do not affect the DNR's authorities under Chapter 26. As required by statute for all forest pests, DATCP and DNR enter into an MOU to clarify roles and responsibilities. The Department had submitted this last fall to be included for consideration by the Jt. Leg. Council Law Revisions committee but Secretary Brancel has decided that we should pursue this as separate legislation and not as part of the more technical items typically handled by Law Revisions.



State of Wisconsin  
2011 - 2012 LEGISLATURE

SOON (in 12/22)

3682/1



LRB-0502/P  
RCTjld:rs

Keep 3 ymnr

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Friday  
please

LX

Regen

1 AN ACT *to amend* 94.02 (4) of the statutes; **relating to:** the pest abatement  
2 authority of the Department of Agriculture, Trade and Consumer Protection ✓  
3 (suggested as remedial legislation by the Department of Agriculture, Trade and  
4 Consumer Protection).

***Analysis by the Legislative Reference Bureau***

Current law grants the Department of Agriculture, Trade and Consumer Protection (DATCP) authority concerning the abatement of pests on agricultural lands and agricultural business premises. Under this authority, if DATCP determines that plants or other materials that are so infested with pests that they constitute a hazard to plant or animal life, it may order the owner of the lands or premises on which the plant or other materials are located to have the plants or other materials treated or removed and destroyed.

This bill expands DATCP's pest abatement authority so that it is not limited to agricultural lands and agricultural business premises. ✓

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Agriculture, Trade and Consumer Protection

