



**ASSEMBLY AMENDMENT 2,  
TO 2011 SENATE BILL 498**

March 15, 2012 – Offered by Representative MOLEPSKE JR.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: before that line insert:

3 “**SECTION 1g.** 94.02 (1) of the statutes is amended to read:

4 94.02 (1) If the department finds any premises, or any plants, plant parts, or  
5 pest-harboring materials located thereon are so infested or infected with injurious  
6 pests as to constitute a hazard to plant or animal life in the state, or any area thereof,  
7 it may notify the owner or person having charge of such premises to that effect, and  
8 the owner or person in charge shall, within 10 days after such notice, cause the  
9 treatment of the premises or the treatment or removal and destruction of infested  
10 or infected plants, host plants or other pest-harboring material as directed in the  
11 notice. No person may violate the terms of any notice received under this subsection,  
12 ~~nor may any damages be awarded to the owner for such treatment, removal or~~

1 ~~destruction.~~ Any person affected by a notice or order may appeal to the department  
2 and request a hearing under s. 94.01 (2).

3 **SECTION 1k.** 94.02 (3m) of the statutes is created to read:

4 **94.02 (3m)** An owner of any premises on which the abatement of pests occurs  
5 under this section on or after the effective date of this subsection .... [LRB inserts  
6 date], may sue for damages resulting from the treatment of the premises or the  
7 treatment or removal and destruction of infested or infected plants, host plants, or  
8 other pest-harboring material.”.

9 **2.** Page 1, line 3: delete “**SECTION 1**” and substitute “**SECTION 1m**”.

10 (END)