

State of Wisconsin



2017 Senate Bill 20

Date of enactment: **August 2, 2017**

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2017 WISCONSIN ACT 45

AN ACT to renumber and amend 94.02 (1); to amend 94.02 (2); and to create 94.02 (1) (b) of the statutes; relating to: time periods for the abatement of late blight of potatoes.

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

SECTION 1. 94.02 (1) of the statutes is renumbered 94.02 (1) (a) and amended to read:

94.02 (1) (a) If the department finds any premises, or any plants, plant parts, or pest-harboring materials located thereon are so infested or infected with injurious pests as to constitute a hazard to plant or animal life in the state, or any area thereof, it may notify the owner or person having charge of such premises to that effect, and the owner or person in charge shall, ~~within 10 days after such notice,~~ cause the treatment of the premises or the treatment or removal and destruction of infested or infected plants, host plants, or other pest-harboring material as directed in the notice within 10 days after such notice, except as provided in par. (b).

(c) No person may violate the terms of any notice received under this subsection, nor may any damages be awarded to the owner for such treatment, removal or destruction. Any person affected by a notice or order may appeal to the department and request a hearing under s. 94.01 (2).

SECTION 2. 94.02 (1) (b) of the statutes is created to read:

94.02 (1) (b) If the department, in a notice provided under par. (a), directs the owner or person in charge to treat late blight of potatoes with an antisporeulant, the owner or person in charge shall cause the treatment as directed in the notice within 24 hours after the notice is issued. If the department, in a notice provided under par. (a), directs the owner or person in charge to remove and destroy infected plants, host plants, or other pest-harboring material due to the existence of late blight of potatoes, the owner or person in charge shall cause the removal and destruction as directed in the notice within 72 hours after the notice is issued. The department may extend the time periods for compliance under this paragraph if it determines that the treatment or the removal and destruction cannot be completed within the applicable time period.

SECTION 3. 94.02 (2) of the statutes is amended to read:

94.02 (2) If the owner or person in charge fails to comply with the terms of the notice, ~~within 10 days after receiving it~~ the time period described in sub. (1), the department or any cooperating local unit of government may proceed to treat the premises or to treat or destroy the infested or infected plants or other material. The expense of such abatement shall be certified to the town, city or village clerk and assessed, collected and enforced against

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

the premises upon which such expense was incurred as taxes are assessed, collected, and enforced, and shall be paid to the cooperating unit of government incurring the

expense, or into the general fund if the control work was conducted by the department.

