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**WISCONSIN LEGISLATIVE COUNCIL  
ACT MEMO**

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<b>2003 Wisconsin Act 57</b> [2003 Assembly Bill 9]	<b>Gypsy Moth Suppression Program</b>
2003 Acts: <a href="http://www.legis.state.wi.us/2003/data/acts/">www.legis.state.wi.us/2003/data/acts/</a>	Act Memos: <a href="http://www.legis.state.wi.us/lc/act_memo/act_memo.htm">www.legis.state.wi.us/lc/act_memo/act_memo.htm</a>

2003 Wisconsin Act 57 authorizes the Department of Natural Resources (DNR) to establish a gypsy moth suppression program and directs the DNR to promulgate administrative rules that specify the areas eligible, and the notification required, for aerial insecticide treatment of gypsy moths.

**BACKGROUND INFORMATION**

On November 7, 2002, the Joint Committee for Review of Administrative Rules suspended a portion of a DNR rule which specified that in order for an area to be eligible for aerial insecticide treatment under a program to suppress the infestation of gypsy moths, the area must be at least 40 contiguous acres in a compact and regular shape or be at least 20 acres of publicly owned land surrounded by ineligible land. 2003 Assembly Bill 9 was introduced as required by s. 227.26 (2) (f), Stats., in support of the committee's action.

**2003 ACT 57**

Act 57 provides that if the DNR establishes a gypsy moth suppression program, and that program includes awarding and administering federal cost-sharing funds to counties for aerial insecticide treatment, the DNR must promulgate administrative rules to implement the program. The administrative rules must specify that an area is not eligible for aerial insecticide treatment under the program unless the area is at least 20 compact and contiguous acres in size.

Under the act, the administrative rules must require an eligible applicant for funding to provide notification to landowners and tenants within the eligible proposed treatment blocks and within an area surrounding those blocks, to be determined by the applicant. The notification must include all of the following:

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

- Publication of a Class 1 notice in a local newspaper at least 10 days before the deadline, designated by the applicant for funding in the notice, for a landowner or tenant to register an objection to treatment on the land under their control;
- Issuance of a press release at least 10 days before the deadline for objections that announces a public meeting; and
- Holding of a public meeting by the applicant for funding at least seven days before the deadline for objections.

The published notice and the press release must state, and a statement must be made at the public meeting, that all of the following apply: (1) if a landowner or tenant registers a timely objection to treatment on land under their control, the applicant for funding may not treat that land; and (2) if a landowner or tenant does not register a timely objection, the applicant for funding may treat that land.

Act 57 requires the published notice and the press release to provide information on the location of proposed treatment blocks, the insecticide to be used, the approximate timing of treatment, the method for registering an objection to the treatment of property, and the name, address, and phone number of the applicant for funding or the applicant's designee.

***Effective Date:*** Act 57 takes effect on October 31, 2003.

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