



1995 ASSEMBLY BILL 763

January 2, 1996 - Introduced by Representatives HUBER, PLACHE, ZUKOWSKI, GROBSCHMIDT, BELL, SERATTI, BALDWIN, WIRCH, BOCK, NOTESTEIN, R. YOUNG, COGGS, BOYLE, GRONEMUS and CULLEN, cosponsored by Senators CLAUSING, DECKER and BURKE. Referred to Committee on Natural Resources.

1 **AN ACT** *to create* 94.709 of the statutes; **relating to:** notice of application of
2 pesticides to railroad rights-of-way.

Analysis by the Legislative Reference Bureau

Current law authorizes the department of agriculture, trade and consumer protection (DATCP) to promulgate rules to govern the use of pesticides. A current DATCP rule allows a person who wishes to receive advance notice of the application of pesticides to the landscape (grass, shrubs and so forth) of any properties on the person's block and adjoining blocks to register annually with DATCP. DATCP creates a registry of these persons and distributes the registry to commercial pesticide application businesses. Those businesses must give notice to persons who requested notice concerning a property before applying pesticides to the landscape of that property.

This bill allows a person who wishes to receive advance notice of the application of pesticides to the portion of a railroad right-of-way that passes through or along the block on which the person lives, or an adjacent block, to register annually with DATCP. Under the bill, DATCP creates a registry of those persons and distributes the registry to commercial pesticide application businesses and railroads. Those businesses and railroads must give notice to persons who requested notice concerning a portion of a railroad right-of-way before applying pesticides to that portion of the railroad right-of-way.

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:

3 **SECTION 1.** 94.709 of the statutes is created to read:

1 **94.709 Notification of pesticide use on railroad right-of-way.** (1) A
2 person may obtain advance notice of pesticide application to that portion of a railroad
3 right-of-way that passes through or along the block on which the requester lives, or
4 an adjoining block, by annually filing a complete registration request with the
5 department under sub. (2) on or before March 1.

6 (2) A registration request is filed on or before March 1 if it is postmarked or
7 delivered to the department on or before that date. A registration request is complete
8 if it includes all of the following:

9 (a) The requester's name, address and telephone number.

10 (b) A description of the portion of the railroad right-of way for which the
11 requester is seeking advance notice of pesticide application.

12 (3) The department shall compile an annual registry of persons entitled to
13 advance notice of pesticide application to railroad rights-of-way based on complete
14 registration requests filed on or before March 1. The annual registry takes effect on
15 April 1 and remains in effect until April 1 of the following year. The registry shall
16 include the name, address and telephone number of each requester and the
17 description of the portion of the railroad right-of-way specified by the requester
18 under sub. (2) (b).

19 (4) Before April 1 of each year, the department shall distribute a free copy of
20 the annual registry under sub. (3) to every licensed commercial application business
21 that employs an individual commercial applicator that is certified under s. 94.705 in
22 a category under which the individual commercial applicator may apply pesticides
23 to a railroad right-of-way and to every person who operates a railroad in this state.

24 (5) (a) No commercial application business or person who operates a railroad
25 in this state may apply pesticides to a portion of a railroad right-of-way without

1 giving notice to every person on the current registry under sub. (3) who has requested
2 advance notice of pesticide application to that portion of the railroad right-of-way
3 and who is entitled to notice under sub. (1).

4 (b) Notice under this subsection shall be provided in one of the following ways:

5 1. By telephone at least 12 hours before the application.

6 2. By delivering written notice to the address listed in the registry at least 12
7 hours before the application.

8 3. By mail addressed to the address listed in the registry, postmarked at least
9 2 business days before the application.

10 (c) Notice under this subsection shall include the name, business address and
11 telephone number of the commercial application business or other person who will
12 apply the pesticide, a description of the property to be treated, the date that the
13 application will take place, and the names of the pesticides that may be applied.

14 (END)