

**2001 DRAFTING REQUEST**

**Bill**

Received: 09/19/2000

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Walker

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: Agriculture - miscellaneous

Extra Copies: DATCP

**Pre Topic:**

DOA:.....Walker -

**Topic:**

Pest abatement authority

**Instructions:**

See Attached

**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>
/1	traderc 10/19/2000	gilfokm 10/20/2000	pgreensl 10/23/2000	_____	lrb_docadmin 10/23/2000		

FE Sent For:

<END>

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1?	traderc	1-10/20 Kmg	10/20 PK	10/20/00 RS			

FE Sent For:

<END>

## 16. Pest Abatement Authority

### Explanation:

The department is authorized to conduct pest inspection and control programs under s. 94.01, Stats. The department is also authorized to abate pests under s. 94.02, Stats. Under s. 94.01 and 94.02, Stats., the department works to control serious pests such as gypsy moth. The department proposes to clarify its authority under s. 94.02, Stats., to make it consistent with s. 94.01, Stats. Specifically, the department proposes to clarify that its authority under s. 94.02, Stats., is not limited to agricultural lands (since agricultural pests don't necessarily stay on agricultural lands).

### Statutory Changes:

SECTION \_\_\_\_. 94.02(4) of the statutes is amended to read:

94.02(4) ~~This section pertains to the abatement of pests on agricultural lands and on agricultural business premises.~~ This section does not affect the authority of the department of natural resources under ch. 26.



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0405/1

RCT: King

SO ON

DOA:.....Walker – Pest abatement authority

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1

*Don't GEN. CAT.*  
AN ACT ...; relating to: the budget.

*classified*

*Analysis by the Legislative Reference Bureau*

**AGRICULTURE**

This ~~bill~~ <sup>bill</sup> expands DATCP's authority relating to pests. The statutory definition of "pest" is broad and includes any living organism classified as a pest by DATCP by rule. By rule, DATCP has ~~declared~~ <sup>as</sup> the following to be pests when present under circumstances where they may be injurious to persons, property, or the environment:

\*  
\*

\*

\*

1. Animals other than humans.
2. Plants or fungi growing where not wanted.
3. Microscopic organisms, ~~or viruses~~ other than those on or in living animals.

Under current law, on agricultural lands and agricultural business premises, if DATCP finds that plants or other pest-harboring materials are so infested with injurious pests as to constitute a hazard to plant or animal life in this state, DATCP may order the property owner to treat the premises or treat or destroy the infested plants or other material. If the property owner fails to comply with the order, DATCP may treat the premises or treat or destroy the infested plants or other material. This bill changes the law so that DATCP's authority regarding treatment and destruction

*and treatment or destruction of infested*  
\* of infested premises, ~~plants~~ and other material is not limited to agricultural lands and agricultural business premises.

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

1           **SECTION 1.** 94.02 (4) of the statutes is amended to read:  
2           94.02 (4) ~~This section pertains to the abatement of pests on agricultural lands~~  
3           ~~and on agricultural business premises.~~ This section does not affect the authority of  
4           the department of natural resources under ch. 26.

5           History: 1975 c. 394 ss. 5, 19; 1975 c. 421; Stats. 1975 s. 94.02; 1977 c. 418; 1981 c. 20.

(END)



DOA:.....Walker – Pest abatement authority

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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**AGRICULTURE**

This bill expands DATCP's authority relating to pests. The statutory definition of "pest" is broad and includes any living organism classified as a pest by DATCP by rule. By rule, DATCP has classified the following as pests when present under circumstances where they may be injurious to persons, property, or the environment:

1. Animals other than humans.
2. Plants or fungi growing where not wanted.
3. Microscopic organisms, other than those on or in living animals.

Under current law, on agricultural lands and agricultural business premises, if DATCP finds that plants or other pest-harboring materials are so infested with injurious pests as to constitute a hazard to plant or animal life in this state, DATCP may order the property owner to treat the premises or treat or destroy the infested plants or other material. If the property owner fails to comply with the order, DATCP may treat the premises or treat or destroy the infested plants or other material. This bill changes the law so that DATCP's authority regarding treatment of infested premises and treatment or destruction of infested plants and other material is not limited to agricultural lands and agricultural business premises.

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