

2003 SENATE BILL 5

January 15, 2003 – Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES, by request of 2001–2002 Rule Objection. Referred to Committee on Environment and Natural Resources.

1 **AN ACT** *to create* 26.30 (6m) of the statutes; **relating to:** authorizing the
2 establishment of a program for the suppression of gypsy moths, specifying
3 areas eligible for aerial insecticide treatment for the suppression of gypsy
4 moths, and requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) is authorized to take action that it determines is necessary to detect and control forest pests. If DNR finds that an area of the state is infested by forest pests, it must determine whether certain control measures should be conducted either through cooperative agreements with other state agencies, federal agencies, local governmental units, or individuals or by designating a proposed zone of infestation. If DNR proposes to designate an area as a zone of infestation, it must follow certain procedures including holding a public hearing. If a zone of infestation is established, DNR must conduct certain pest control measures and make efforts to enter into agreements with affected land owners. Current law specifies that, with certain exceptions, if infestation control measures are conducted on land within a zone of infestation, the landowner must pay a certain share of the costs associated with the activities undertaken to control the infestation on the owner's land.

This bill provides that if DNR establishes a program for the suppression of gypsy moths, and that program includes the awarding and administering of federal cost-sharing funds for aerial insecticide treatment, DNR must promulgate rules to implement the program. The rules must specify that an area is not eligible for aerial

