

**2003 DRAFTING REQUEST**

**Bill**

Received: **11/13/2002**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Judith Robson (608) 266-2253**

By/Representing: **Ron Sklansky**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies: **Ron Sklansky, Leg. Council**

Submit via email: **YES**

Requester's email: **Sen.Robson@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Suspension of portion of gypsy moth rules (JCRAR)

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**Instructions:**

See Attached

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**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>
/?	rkite 11/27/2002	csicilia 12/02/2002		_____			S&L
/1			chaskett 12/04/2002	_____	amentkow 12/04/2002		S&L
/2	rkite	csicilia	rschluet	_____	mbarman	mbarman	

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	12/13/2002	12/18/2002	12/18/2002	_____	12/18/2002		01/09/2003

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12/18/2002 10:07:30 AM

Page 2

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*12-18-02*

12/04/2002 01:30:41 PM

Page 2

**LRB-0670**

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FE Sent For:	1	12/2/01	12/3/01	self			
	1		1	12/3			<END>

Motion

1. The Joint Committee for Review of Administrative Rules, pursuant to ss. 227.19(4)(d) 6. and 227.26(2)(d), Stats., suspends the following two portions of s. NR 47.913(2)(a):

- a. "40 contiguous acres in a compact and regular shape or be of at least".
- b. "of publicly owned land surrounded by ineligible land".

[The action of the Joint Committee provides that s. NR 47.913(2)(a) will read: "Be of at least 20 acres."]

2. The Joint Committee for Review of Administrative Rules, pursuant to s. 227.26(2)(f) and (j), Stats., introduces bills in each House of the Legislature to provide that, to be eligible for cost sharing under the gypsy moth suppression program, a proposed treatment block, among other things, must be of at least 20 acres.



(soon)

2003 - 2004 LEGISLATURE

Rm not run

0670/1

LRB-0669/1

RNK: [signature]

cjs

## 2003 BILL

- 1 AN ACT <sup>Reagan</sup> 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

**BILL**

insecticide treatment unless the area is at least 20 acres in size. The bill also specifies that if DNR establishes such a gypsy moth suppression program, the current law provisions that apply to the designation of infestation control zones do not apply to that gypsy moth suppression program.

This bill is introduced as required by s. 227.26 (2) (f), stats., in support of the action of the Joint Committee for Review of Administrative Rules in suspending section NR 47.913 (2) (a), Wis. Adm. Code, a rule of DNR, on November 7, 2002. The suspended rule specified that in order for an area to be eligible for aerial treatment with insecticide under a program to suppress the infestation of gypsy moths, the area must be of at least 40 contiguous acres in a compact and regular shape or be of at least 20 acres of publicly owned land surrounded by ineligible land.

For further information see the *state and local* 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:*

1           **SECTION 1.** 26.30 (6m) of the statutes is created to read:

2           **26.30 (6m) GYPSY MOTH SUPPRESSION.** (a) If the department establishes a  
3 program for the suppression of gypsy moths, and that program includes the  
4 awarding and administering of federal cost-sharing funds to counties for aerial  
5 insecticide treatment, the department shall promulgate rules to implement the  
6 program. The rules shall specify that an area is not eligible for aerial insecticide  
7 treatment under the program unless the area is at least 20 acres in size.

8           (b) Subsections (7) to (10) do not apply to a gypsy moth suppression program  
9 established under this subsection.

10

(END)



*soon*  
State of Wisconsin  
2003 - 2004 LEGISLATURE

12  
LRB-06705  
RNK:cjs:cph  
T  
stays

*D-Note*

**2003 BILL**

*Refer cat*

*Identical  
changes*

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(END)

LRB-0670

RNK:

D-Note

analysis for the

This draft contains a change in the analysis to clarify that the draft is in support of the suspension of only a portion of the relevant DNR rule. The previous version of the draft ~~stated that~~ implied that the draft was in support of the entire rule. The body of the draft remains unchanged.

Please feel free to contact me if you have any questions regarding this draft.

RNK

the suspension of

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0670/2dn  
RNK:cjs:rs

December 18, 2002

This draft contains a change in the analysis to clarify that the draft is in support of the suspension of only a portion of the relevant DNR rule. The analysis for the previous version of the draft implied that the draft was in support of the suspension of the entire rule. The body of the draft remains unchanged.

Please feel free to contact me if you have any questions regarding this draft.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: [robin.kite@legis.state.wi.us](mailto:robin.kite@legis.state.wi.us)

## Barman, Mike

---

**From:** Mentkowski, Annie  
**Sent:** Friday, December 13, 2002 4:04 PM  
**To:** Barman, Mike  
**Subject:** LRB-0670

**Importance:** High

Hi Mike,  
Robin Kite just stopped by-  
She forgot to let you know that LRB-0670 needs a JCRAR report.

Thanks,  
Annie

12/17/2002

**Barman, Mike**

---

**From:** Delaporte, Maggie  
**Sent:** Thursday, January 09, 2003 9:45 AM  
**To:** Barman, Mike  
**Subject:** LRB-0670 and LRB 0669/2

Assembly JCRAR Co-Chair Glenn Grothman  
Senate JCRAR Co-Chair Joseph Leibham



NR 47.913 (a)  
Report to the Le...

Thanks much!!!!