

BILL HISTORY FOR ASSEMBLY BILL 9 (LRB -0669)

An Act to create 26.30 (6m) of the statutes; relating to: authorizing the establishment of a program for the suppression of gypsy moths, specifying areas eligible for aerial insecticide treatment for the suppression of gypsy moths, and requiring the exercise of rule-making authority. (FE)

2003

01-28. A.	Introduced by joint committee for review of Administrative Rules .	
01-28. A.	Read first time and referred to committee on Forestry	30
01-29. A.	Joint committee for Review of Administrative Rules report received pursuant to s. 227.26(2)(g), Wisconsin Statutes.	
02-10. A.	Assembly amendment 1 offered by Representative Friske (LRB a0076)	58
02-10. A.	Fiscal estimate received.	
02-11. A.	Assembly amendment 2 offered by Representative Seratti (LRB a0082)	60
02-11. A.	Public hearing held.	
02-11. A.	Executive action taken.	
02-18. A.	Report Assembly Amendment 1 adoption recommended by committee on Forestry, Ayes 5, Noes 0	68
02-18. A.	Report Assembly Amendment 2 adoption recommended by committee on Forestry, Ayes 5, Noes 0	68
02-18. A.	Report passage as amended recommended by committee on Forestry, Ayes 5, Noes 0 ..	68
02-18. A.	Referred to committee on Rules	68
02-20. A.	Rules suspended to withdraw from committee on Rules and take up	74
02-20. A.	Rereferred to committee on Rules	74
03-06. A.	Placed on calendar 3-13-2003 by committee on Rules.	
03-13. A.	Read a second time	118
03-13. A.	Assembly amendment 1 adopted	118
03-13. A.	Assembly amendment 2 adopted	118
03-13. A.	Ordered to a third reading	118
03-13. A.	Rules suspended	118
03-13. A.	Read a third time and passed	118
03-13. A.	Ordered immediately messaged	119
03-18. S.	Received from Assembly	124
03-18. S.	Read first time and referred to committee on Environment and Natural Resources	124
05-29. S.	Fiscal estimate received.	
05-29. S.	Fiscal estimate received.	
07-10. S.	Public hearing held.	
08-22. S.	Executive action taken.	
08-27. S.	Report concurrence recommended by committee on Environment and Natural Resources, Ayes 5, Noes 0	348
08-27. S.	Available for scheduling.	
09-30. S.	Placed on calendar 10-1-2003 by committee on Senate Organization.	
10-01. S.	Read a second time	397
10-01. S.	Ordered to a third reading	397
10-01. S.	Rules suspended	397
10-01. S.	Read a third time and concurred in	397
10-01. S.	Ordered immediately messaged	398
10-01. A.	Received from Senate concurred in.	

**2003
ENROLLED BILL**

03en A B - 9

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

03-0669/1 2

Amendments to above (if none, write "NONE"): AA1, AA2

Corrections - show date (if none, write "NONE"): None

Topic Suppression of gypsy methods

10/02/03 [Signature]
Date Enrolling Drafter

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2003 ASSEMBLY BILL 9

January 28, 2003 - Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Forestry.

1-3 ✓ AA2

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

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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 a portion of 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)

✓ 2-7 (AA)

✓ 2-8 (AA2)

**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 9**

February 10, 2003 – Offered by Representative FRISKE.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 2, line 7: before “acres” insert “compact and contiguous”.

3 (END)

✓
2-7

**ASSEMBLY AMENDMENT 2,
TO 2003 ASSEMBLY BILL 9**

February 11, 2003 – Offered by Representative SERATTI.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 1, line 3: after “eligible” insert “, and notification required”.

3 ✓ 2. Page 2, line 7: after that line insert:

4 “(ag) The rules promulgated under par. (a) shall require that an eligible
5 applicant for funding provide notification to landowners and tenants within the
6 eligible proposed treatment blocks and within an area surrounding those blocks to
7 be determined by the applicant. Notification under this paragraph shall include all
8 of the following:

9 1. Publication of a class 1 notice under ch. 985 in a local newspaper at least 10
10 days before a deadline, as designated by the applicant for funding in the notice, for
11 registering an objection by a landowner or tenant to treatment on the land under the
12 landowner’s or tenant’s control.

2-8

1-3

