



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0646/en
CMH:jld

2017 SENATE BILL 20

1 **AN ACT** *to renumber and amend* 94.02 (1); *to amend* 94.02 (2); and *to create*
2 94.02 (1) (b) of the statutes; **relating to:** time periods for the abatement of late
3 blight of potatoes.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 94.02 (1) of the statutes is renumbered 94.02 (1) (a) and amended
5 to read:
6 94.02 (1) (a) If the department finds any premises, or any plants, plant parts,
7 or pest-harboring materials located thereon are so infested or infected with injurious
8 pests as to constitute a hazard to plant or animal life in the state, or any area thereof,
9 it may notify the owner or person having charge of such premises to that effect, and
10 the owner or person in charge shall, ~~within 10 days after such notice,~~ cause the

SENATE BILL 20**SECTION 1**

1 treatment of the premises or the treatment or removal and destruction of infested
2 or infected plants, host plants, or other pest-harboring material as directed in the
3 notice within 10 days after such notice, except as provided in par. (b).

4 (c) No person may violate the terms of any notice received under this
5 subsection, nor may any damages be awarded to the owner for such treatment,
6 removal or destruction. Any person affected by a notice or order may appeal to the
7 department and request a hearing under s. 94.01 (2).

8 **SECTION 2.** 94.02 (1) (b) of the statutes is created to read:

9 94.02 (1) (b) If the department, in a notice provided under par. (a), directs the
10 owner or person in charge to treat late blight of potatoes with an antisporeulant, the
11 owner or person in charge shall cause the treatment as directed in the notice within
12 24 hours after the notice is issued. If the department, in a notice provided under par.
13 (a), directs the owner or person in charge to remove and destroy infected plants, host
14 plants, or other pest-harboring material due to the existence of late blight of
15 potatoes, the owner or person in charge shall cause the removal and destruction as
16 directed in the notice within 72 hours after the notice is issued. The department may
17 extend the time periods for compliance under this paragraph if it determines that the
18 treatment or the removal and destruction cannot be completed within the applicable
19 time period.

20 **SECTION 3.** 94.02 (2) of the statutes is amended to read:

21 94.02 (2) If the owner or person in charge fails to comply with the terms of the
22 notice, ~~within 10 days after receiving it~~ the time period described in sub. (1), the
23 department or any cooperating local unit of government may proceed to treat the
24 premises or to treat or destroy the infested or infected plants or other material. The
25 expense of such abatement shall be certified to the town, city or village clerk and

SENATE BILL 20

1 assessed, collected and enforced against the premises upon which such expense was
2 incurred as taxes are assessed, collected, and enforced, and shall be paid to the
3 cooperating unit of government incurring the expense, or into the general fund if the
4 control work was conducted by the department.

5

(END)