

State of Misconsin 1997 - 1998 LEGISLATURE

1997 ASSEMBLY BILL 5

January 21, 1997 – Introduced by COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Agriculture.

1 AN ACT to renumber 94.69; to amend 93.01 (10); and to create 94.69 (2) of the 2 statutes; relating to: the authority of the department of agriculture, trade and 3 consumer protection to prohibit the use of atrazine in a specified area in the 4 town of North Lancaster, Grant County.

Analysis by the Legislative Reference Bureau

Current law authorizes the department of agriculture, trade and consumer protection (DATCP) to promulgate rules regulating the use of pesticides. This state's groundwater law requires a state agency to promulgate rules necessary to ensure that activities and practices regulated by the agency comply with the groundwater law and rules that specify the responses that the agency will take when a groundwater law enforcement standard is reached or exceeded because of an activity or practice regulated by the agency. Under this statutory authority, DATCP has promulgated rules prohibiting the use of the pesticide atrazine in specified areas of this state.

This bill provides that DATCP may not prohibit the use of atrazine in a specified area in the town of North Lancaster in Grant County.

This bill is introduced as required by s. 227.19 (5) (e), stats., in support of the objection of the assembly committee on agriculture on April 19, 1996, and the objection of the joint committee for review of administrative rules on May 15, 1996, to the issuance of a portion of clearinghouse rule 95–147 by DATCP. The portion of

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the proposed rule objected to would prohibit the use of atrazine in a specified area in the town of North Lancaster in Grant County.

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

1	SECTION 1. 93.01 (10) of the statutes is amended to read:
2	93.01 (10) "Pests" include any living stage of insects, mites, nematodes, slugs,
3	snails or other invertebrate animals injurious to plants, plant products, animals and
4	humans; any bacteria, fungi, other parasitic plants or reproductive parts thereof,
5	viruses, mycoplasma, protozoans or infectious substances which cause disease in or
6	damage to plants or plant products; any host upon which a plant pest is dependent
7	for the completion of all or a portion of its life cycle; and any other living organism
8	classified as a pest under s. 94.69 (1) (a).
9	SECTION 2. 94.69 of the statutes is renumbered 94.69 (1) .
10	SECTION 3. 94.69 (2) of the statutes is created to read:
11	94.69 (2) Notwithstanding sub. (1) (i) and ss. 160.19 and 160.21, the
12	department may not promulgate a rule prohibiting the use of atrazine in an area in
13	the town of North Lancaster, Grant County, described as follows: SE-1/4 of Sec. 7,
14	S-1/2 of Sec. 8, SW-1/4 of Sec. 9, W-1/2 of Sec. 16, Sec. 17, E-1/2 of Sec. 18, NE-1/4

- 15 of Sec. 19, N-1/2 of Sec. 20 and NW-1/4 of Sec. 21, T. 5 N., R. 3 W.
- 16

(END)