



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1621/1
MCP:ahc

2017 ASSEMBLY BILL 53

February 6, 2017 - Introduced by Representatives SPIROS, KRUG, E. BROOKS, EDMING, TAUCHEN and VRUWINK, cosponsored by Senators TESTIN, PETROWSKI, COWLES, MOULTON and OLSEN. Referred to Committee on Agriculture.

AUTHORS SUBJECT TO CHANGE

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

This bill provides that the treatment of late blight of potatoes by use of an antisporeulant, when ordered by the Department of Agriculture, Trade and Consumer Protection, must be completed within 24 hours of the order's issuance, and that the destruction of plants due to late blight of potatoes, when ordered by DATCP, must be completed within 72 hours of the order's issuance. Under current law a person has ten days to comply with an order from DATCP regarding pest abatement.

The bill also allows DATCP to extend the time period for abating late blight of potatoes if the ordered treatment or destruction cannot be completed in time due to adverse weather conditions.

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:

ASSEMBLY BILL 53**SECTION 1**

1 94.02 (1) (a) If the department finds any premises, or any plants, plant parts,
2 or pest-harboring materials located thereon are so infested or infected with injurious
3 pests as to constitute a hazard to plant or animal life in the state, or any area thereof,
4 it may notify the owner or person having charge of such premises to that effect, and
5 the owner or person in charge shall, ~~within 10 days after such notice,~~ cause the
6 treatment of the premises or the treatment or removal and destruction of infested
7 or infected plants, host plants, or other pest-harboring material as directed in the
8 notice within 10 days after such notice, except as provided in par. (b).

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

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

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

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

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1 94.02 (2) If the owner or person in charge fails to comply with the terms of the
2 notice, within ~~10 days after receiving it~~ the time period described in sub. (1), the
3 department or any cooperating local unit of government may proceed to treat the
4 premises or to treat or destroy the infested or infected plants or other material. The
5 expense of such abatement shall be certified to the town, city or village clerk and
6 assessed, collected and enforced against the premises upon which such expense was
7 incurred as taxes are assessed, collected, and enforced, and shall be paid to the
8 cooperating unit of government incurring the expense, or into the general fund if the
9 control work was conducted by the department.

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(END)