



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1622/1
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2017 ASSEMBLY BILL 54

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

1 **AN ACT to create** 94.36 of the statutes; **relating to:** seed potato certification and
2 use and providing penalties.

Analysis by the Legislative Reference Bureau

This bill requires a person who plants five or more acres of potatoes in a year to use only seed potatoes that are certified by the College of Agricultural and Life Sciences of the University of Wisconsin-Madison under existing rules promulgated by the Department of Agriculture, Trade and Consumer Protection, or by an equivalent program in another state. The bill allows DATCP to waive the certification requirement if there are not enough certified seed potatoes reasonably available to growers. The bill also requires a person who grows five or more acres of potatoes in a year to keep certain records of each field of seed potatoes planted during a growing season.

A person who plants seed potatoes in violation of the certification requirements under the bill is subject to a forfeiture of not more than \$150, plus \$150 for each acre planted in violation. A person who violates the records-retention or inspection requirements under the bill is subject to a forfeiture of not more than \$200.

For further information see the *state* 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:

ASSEMBLY BILL 54**SECTION 1**

1 **SECTION 1.** 94.36 of the statutes is created to read:

2 **94.36 Certified seed potatoes. (1) PROHIBITION; WAIVER.** (a) Except as
3 provided in par. (b), no person may plant 5 or more acres of potatoes in this state in
4 a calendar year unless all of the seed potatoes that will be used for planting in this
5 state by the person are certified under ch. ATCP 156, Wis. Adm. Code.

6 (b) The department, upon the request of one or more growers, may waive the
7 prohibition under par. (a) for a growing season if there are not enough certified seed
8 potatoes reasonably available to growers during that calendar year and the
9 department determines that the seed potatoes that will be used for planting do not
10 pose a serious disease threat.

11 **(2) RECORDS.** (a) A person who plants 5 or more acres of potatoes in this state
12 in a calendar year shall retain all of the following records, for each field planted, for
13 a period of 3 years after planting:

14 1. The name and location of the person from whom the seed potatoes were
15 purchased.

16 2. A copy of the sales contract and invoice for the seed potatoes.

17 3. The certification tag for the seed potatoes.

18 (b) Records required to be retained under par. (a) are open to inspection by the
19 department during normal business hours. A person required to retain records
20 under par. (a) shall provide a copy of those records to the department upon request.

21 **(3) PENALTIES.** (a) Any person who plants potatoes in violation of sub. (1) in
22 a calendar year shall forfeit not more than \$150, plus not more than \$150 for each
23 full acre planted in violation of sub. (1).

24 (b) Any person who fails to retain, allow inspection of, or provide copies of
25 records in violation of sub. (2) shall forfeit not more than \$200.

