

2017 DRAFTING REQUEST

Bill

For: **John Spiros (608) 266-1182** Drafter: **mpfotenh**
 By: **Erin** Secondary Drafters:
 Date: **1/13/2017** May Contact:
 Same as LRB: **-0060**

Submit via email: **YES**
 Requester's email: **Rep.Spiros@legis.wisconsin.gov**
 Carbon copy (CC) to: **mary.pfotenhauer@legis.wisconsin.gov**
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Pre Topic:

No specific pre topic given

Topic:

Seed potato regulations

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mpfotenh 1/13/2017	anienaja 1/13/2017	mbarman 1/13/2017	hkohn 1/13/2017	State

FE Sent For: **<END>**

at intro

Pfotenhauer, Mary

From: Fiocchi, Tim
Sent: Friday, January 13, 2017 11:55 AM
To: Pfotenhauer, Mary
Cc: Emerson, James; Mellon, Erin
Subject: Potato drafts
Attachments: 17-0646_P1.pdf; 17-0060_P4.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mary,

We are releasing the late blight abatement draft (0646) to Senator Testin's office as they will be the lead author. Please send them a /1 and provide an companion draft to Rep. Spiros' office (both copied above). In addition if you could send me a /1 draft of (0060) the seed potato bill and a companion to Spiros we are looking at circulating those for co-sponsorship early next week.

Thanks and have a good weekend!

Tim

Tim Fiocchi
Chief of Staff, Senator Jerry Petrowski
29th Senate District
(608) 266-2502



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1622/1
MCP:wlj&kjf

In 1/13

Out 1/13 (1/16 AM at latest)

Companion

2017 BILL

- 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:

BILL**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.

Kohn, Hanna

From: Mellon, Erin
Sent: Friday, January 13, 2017 2:19 PM
To: LRB.Legal
Subject: Draft Review: LRB -1622/1

Please Jacket LRB -1622/1 for the ASSEMBLY.