

Fiscal Estimate - 2025 Session

☒ Original ☐ Updated ☐ Corrected ☐ Supplemental

LRB Number 25-2375/1	Introduction Number AB-0154
Description use of certified seed potatoes in planting potatoes and providing a penalty	
Fiscal Effect State: <div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations</div><div style="width: 33%;"><input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues</div><div style="width: 33%;"><input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs</div></div> Local: <div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</div><div style="width: 33%;">5.Types of Local Government Units Affected <div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> School Districts</div><div style="width: 33%;"><input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts</div><div style="width: 33%;"><input type="checkbox"/> Cities</div></div></div></div>	

Fiscal Estimate Narratives

DATCP 4/11/2025

LRB Number	25-2375/1	Introduction Number	AB-0154	Estimate Type	Original
Description use of certified seed potatoes in planting potatoes and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, unless a waiver is granted no grower can plant five or more acres of potatoes that are not certified. This bill allows the Department of Agriculture, Trade and Consumer Protection (DATCP) to include more specific conditions in waivers for growers to plant non-certified seed potatoes. The bill also provides DATCP the authority to order the removal and destruction of any seed potatoes and potatoes involved in violation of the law. If a person does not remove and destroy the seed potatoes or potatoes as ordered, DATCP or a cooperating local unit of government may take action to remove and destroy the seed potatoes or potatoes as ordered, and the cost of the action may be assessed, collected, and enforced against the person.

Under the bill, penalties for violations are increased from \$150 to \$5,000 per acre planted in violation and not more than \$5,000 per violation. This penalty can be waived by DATCP if all seed potatoes and potatoes in violation are removed or destroyed in compliance with requirements in the bill.

The fiscal impact of this bill to the state is indeterminate. It is estimated that a violation would occur once every 5 years. DATCP program staff would need to spend an estimated 40 hours per violation on investigations and documentation. An additional 30 hours may be spent by DATCP staff on compliance documentation, discussions with local entities, and court action. DATCP attorneys would also need to spend time on legal review of documents and possibly court action. DATCP staff would also spend an estimated 20 hours per year in outreach and education to ensure that growers and industry are aware of the law and regulations. The cost of destruction of a violating field is indeterminate and extremely variable based on the size of the field, location of the field, mechanism of destruction, and which entity has to destroy the crop among other factors.

There are no new DATCP positions authorized in this bill. Any DATCP expenses reimbursed by violators associated with the requirements in this bill would go to the state general fund. There is no budget authority in the bill to pay for the expense to remove or destroy the potatoes by DATCP.

There could be costs to local government since DATCP would coordinate with a local unit of government to remove and destroy violating crops or take monetary action against the violating individual through taxes.

Long-Range Fiscal Implications

Long-range fiscal implications beyond the indeterminate salary and fringe costs of DATCP employees are unknown.