

# State of Wisconsin



2017 Senate Bill 23

Date of enactment: **August 2, 2017**  
Date of publication\*: **August 3, 2017**

## 2017 WISCONSIN ACT 46

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

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

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

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

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

(2) RECORDS. (a) A person who plants 5 or more acres of potatoes in this state in a calendar year shall

retain all of the following records, for each field planted, for a period of 3 years after planting:

1. The name and location of the person from whom the seed potatoes were purchased.
2. A copy of the sales contract and invoice for the seed potatoes.
3. The certification tag for the seed potatoes.

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

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

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

**SECTION 2. Effective date.** This act takes effect on January 1, 2018, or on the day after publication, whichever is later.

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\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."