

CHAPTER 142

AGRICULTURE

SENATE BILL 24-137

BY SENATOR(S) Simpson and Gonzales, Buckner, Cutter, Exum, Gardner, Ginal, Kirkmeyer, Liston, Lundeen, Marchman, Michaelson Jenet, Pelton B., Pelton R., Priola, Rodriguez, Will, Winter F.;
also REPRESENTATIVE(S) Martinez and Holtorf, Bacon, Bird, Boesenecker, Brown, Catlin, Daugherty, Duran, Frizell, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Lynch, Mabrey, Marvin, Mauro, McCormick, McLachlan, Ortiz, Ricks, Rutinel, Snyder, Soper, Taggart, Titone, Valdez, Velasco, Vigil, Weinberg, Winter T., Woodrow, Young, McCluskie.

AN ACT

CONCERNING THE PLANTING OF UNCERTIFIED POTATOES, AND, IN CONNECTION THEREWITH, REQUIRING THAT UNCERTIFIED POTATO SEED STOCK BE TESTED AND APPROVED BY THE CERTIFYING AUTHORITY OF COLORADO BEFORE PLANTING.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

- (a) Potato growing is a vital part of the agriculture industry in Colorado and provides a substantial impact to Colorado's economy;
- (b) Every year, Colorado's potato growers plant over 52,000 acres of potatoes and produce over 1 million tons of potatoes;
- (c) The potato industry in Colorado contributes more than \$335 million annually to Colorado's economy;
- (d) Recently, a virus known as Potato Virus Y has begun to spread in Colorado, which is jeopardizing Colorado's potato growing industry;
- (e) A major contributing factor to the spread of Potato Virus Y is the planting of uncertified and untested potatoes that may be contaminated with the virus;
- (f) Testing the seed stock of uncertified potatoes before they are planted would

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

help protect Colorado's potato crop and limit the spread of Potato Virus Y and other potato diseases throughout Colorado; and

(g) Limiting the spread of Potato Virus Y and other potato diseases is necessary to protect Colorado's potato growers, agriculture industry, and economy.

SECTION 2. In Colorado Revised Statutes, 35-27.3-105, **amend** (2) as follows:

35-27.3-105. Minimum standards for planting seed potatoes - scope - qualified seed potatoes - rules. (2) (a) A potato grower in Colorado ~~shall be allowed to~~ MAY plant uncertified potatoes if:

(I) The potatoes were grown and stored as part of that grower's farming operations and ~~THE REQUIREMENTS OF SUBSECTION (2)(b) OF THIS SECTION HAVE BEEN MET;~~ OR

(II) The uncertified potatoes are no more than one generation from certified parent potatoes or qualified parent potatoes, ~~AND THE POTATO GROWER SUBMITS THE UNCERTIFIED POTATO SEED STOCK TO THE CERTIFYING AUTHORITY OF COLORADO FOR TESTING.~~

(b) (I) A potato grower who ~~plants~~ INTENDS TO PLANT uncertified potatoes pursuant to ~~paragraph (a) of this subsection (2) may plant progeny from that seed in additional years if, in each additional year, the grower submits the~~ MUST SUBMIT THE UNCERTIFIED POTATO seed stock to the certifying authority of Colorado for testing ~~and~~ PRIOR TO PLANTING.

(II) The certifying authority of Colorado ~~approves~~ SHALL APPROVE the UNCERTIFIED POTATO seed stock for planting ~~The certifying authority of Colorado shall approve the seed stock~~ if it meets the standards for such stock as established by the commissioner by rule.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 1, 2024