

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-0916.01 Christopher McMichael x4775

SENATE BILL 24-137

SENATE SPONSORSHIP

Simpson and Gonzales,

HOUSE SPONSORSHIP

Martinez and Holtorf,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, a potato grower in Colorado is allowed to plant uncertified potatoes if the uncertified potatoes are no more than one generation removed from certified parent potatoes or qualified parent

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
March 11, 2024

potatoes, but does not require any testing to verify the health of those potato seeds.

The bill clarifies that uncertified potatoes may be planted only if they have been submitted and tested by the certifying authority of Colorado prior to planting. The testing process is aimed to ensure that if uncertified potatoes are planted in Colorado, those potatoes are free from disease or other issues that may be detrimental to Colorado's potato crop.

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

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

4 (a) Potato growing is a vital part of the agriculture industry in
5 Colorado and provides a substantial impact to Colorado's economy;

6 (b) Every year, Colorado's potato growers plant over 52,000 acres
7 of potatoes and produce over 1 million tons of potatoes;

8 (c) The potato industry in Colorado contributes more than \$335
9 million annually to Colorado's economy;

10 (d) Recently, a virus known as Potato Virus Y has begun to spread
11 in Colorado, which is jeopardizing Colorado's potato growing industry;

12 (e) A major contributing factor to the spread of Potato Virus Y is
13 the planting of uncertified and untested potatoes that may be
14 contaminated with the virus;

15 (f) Testing the seed stock of uncertified potatoes before they are
16 planted would help protect Colorado's potato crop and limit the spread of
17 Potato Virus Y and other potato diseases throughout Colorado; and

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

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

1 **35-27.3-105. Minimum standards for planting seed potatoes**

2 **- scope - qualified seed potatoes - rules.** (2) (a) A potato grower in
3 Colorado ~~shall be allowed to~~ MAY plant uncertified potatoes if:

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

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

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

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

20 ==

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

- 1 November 2024 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.