

Support SB10-072 – “Colorado Potato Seed Act”
Senator Schwartz & Representative Vigil

The bill creates the "Colorado Seed Potato Act" (act), which requires all potato growers who plant potatoes in lots of one or more acres to plant seed potatoes that have been certified by a certifying authority.

"Seed potatoes" are defined in the bill as vegetatively propagated tubers used or intended to be used for potato production. The bill defines the term "certifying authority" as Colorado state university or, for seed potatoes grown outside of Colorado, the duly authorized seed certifying agency of the state, territory, or country of origin. The bill requires imported certified seed potatoes to meet certain minimum standards for certification.

The bill creates the seed potato advisory committee (advisory committee), and describes the composition, terms, and duties of the advisory committee. The bill specifies a sunset date of September 1, 2019, for the advisory committee.

The bill also contains the following exceptions to the certification requirement:

- A potato grower may plant uncertified and untested seed potatoes until January 1, 2012, if the seed potatoes were grown as part of that grower's operations.
- A potato grower may plant uncertified seed potatoes that are one generation from his or her own certified or qualified seed potatoes and have been grown by that grower. Any grower who wishes to plant seed potatoes that are more than one year out from certification must submit the seed stock to the state certifying agency for testing and approval.
- In any year in which the supply of certified or exempt seed potato stock is insufficient, as determined by the commissioner of agriculture (commissioner), growers may apply for permission to plant uncertified seed potatoes pursuant to specified conditions of approval.

Potato growers must comply with certain record-keeping requirements. An independent auditor must perform annual records reviews on 10% of potato growers, selected randomly according to a method established by the commissioner. The commissioner shall select a qualified department of agriculture employee or an independent auditor upon recommendation from the advisory committee.

The bill authorizes the commissioner to investigate and promulgate rules to enforce and administer the act. Civil penalties for violations of the act are specified. The bill also creates the seed potato cash fund, consisting of moneys from fees and civil fines paid under the act.