

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**REVISED**

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

LLS NO. 19-0370.01 Jery Payne x2157

**SENATE BILL 19-148**

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**SENATE SPONSORSHIP**

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**Senate Committees**

Agriculture & Natural Resources

**House Committees**

Rural Affairs & Agriculture

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**A BILL FOR AN ACT**

101      **CONCERNING THE CONTINUATION OF THE SEED POTATO ADVISORY**  
102              **COMMITTEE, AND, IN CONNECTION THEREWITH, IMPLEMENTING**  
103              **THE RECOMMENDATIONS CONTAINED IN THE 2018 SUNSET**  
104              **REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.**

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**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/>.)*

**Sunset Process - Senate Agriculture and Natural Resources Committee.** The bill implements the following recommendations of the department of regulatory agencies' 2018 sunset review and report on the

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

HOUSE  
2nd Reading Unamended  
March 25, 2019

SENATE  
3rd Reading Unamended  
March 13, 2019

SENATE  
2nd Reading Unamended  
March 11, 2019

"Colorado Seed Potato Act" (Act) and the seed potato advisory committee (committee) by:

- ! Extending the committee indefinitely, subject to review under the Act in 2028;
- ! Replacing a member of the committee who is an employee of the department of agriculture with a member who is a potato grower who does not grow seed potatoes, with a preference for a potato grower with an operation in the western slope region of the state, but only when commercial cultivation begins in the western slope region;
- ! Repealing a requirement that one member of the committee who represents the Colorado Certified Potato Growers Association be the association's sitting president; and
- ! Repealing a provision that sets and staggers the initial terms of the members of the committee.

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

2           **SECTION 1.** In Colorado Revised Statutes, 2-3-1203, **repeal**  
3 (9)(a)(I) as follows:

4           **2-3-1203. Sunset review of advisory committees - legislative**  
5 **declaration - definition - repeal.** (9) (a) The following statutory  
6 authorizations for the designated advisory committees will repeal on  
7 September 1, 2019:

8           (I) ~~The seed potato advisory committee created in section~~  
9 ~~35-27.3-107, C.R.S.;~~

10           **SECTION 2.** In Colorado Revised Statutes, 35-27.3-107, **amend**  
11 (1)(b)(I) introductory portion, (1)(b)(I)(C), (1)(b)(I)(E), (1)(b)(II), and  
12 (2)(a); and **repeal** (2)(b) and (5) as follows:

13           **35-27.3-107. Advisory committee - created - members - terms**  
14 **- duties.** (1) (b) (I) The advisory committee ~~shall consist~~ CONSISTS of  
15 nine members appointed by the commissioner as follows:

16           (C) Two members of the Colorado Certified Potato Growers  
17 Association, or its successor organization; ~~one of whom shall be the~~

1 ~~sitting president of that association;~~

2 (E) ~~One person employed by the department~~ ONE POTATO  
3 GROWER WHO DOES NOT GROW SEED POTATOES AND WHOSE OPERATION  
4 IS LOCATED IN AREA NO. 1, AREA NO. 2, OR AREA NO. 3, BUT WITH A  
5 PREFERENCE FOR AREA NO. 1, AS EACH OF THESE AREAS ARE ESTABLISHED  
6 IN THE MARKETING ORDER REGULATING THE HANDLING OF POTATOES  
7 GROWN IN COLORADO, AS AMENDED, ISSUED UNDER THE "COLORADO  
8 AGRICULTURAL MARKETING ACT OF 1939", ARTICLE 28 OF THIS TITLE 35.

9 (II) Whenever possible, the advisory committee ~~members~~ MEMBER  
10 appointed under ~~sub-subparagraphs (D) and (E) of subparagraph (I) of~~  
11 ~~this paragraph (b) shall~~ SUBSECTION (1)(b)(I)(D) OF THIS SECTION MUST  
12 have knowledge of or experience with seed potatoes.

13 (2) (a) Except as provided in ~~paragraphs (b) and (c) of this~~  
14 ~~subsection (2)~~ SUBSECTION (2)(c) OF THIS SECTION, members appointed  
15 to the advisory committee shall serve for terms of three years. Members  
16 may be appointed for an unlimited number of terms; except that no  
17 member shall serve more than two terms consecutively.

18 (b) ~~The initial appointments of two of the advisory committee~~  
19 ~~members described in sub-subparagraph (A) of subparagraph (I) of~~  
20 ~~paragraph (b) of subsection (1) of this section, one of the members~~  
21 ~~described in sub-subparagraph (C) of subparagraph (I) of paragraph (b)~~  
22 ~~of subsection (1) of this section, and the member described in~~  
23 ~~sub-subparagraph (E) of subparagraph (I) of paragraph (b) of subsection~~  
24 ~~(1) of this section, shall be for two years. Thereafter, each appointment~~  
25 ~~to the advisory committee shall be for a term of three years.~~

26 (5) (a) ~~This section is repealed, effective September 1, 2019.~~

27 (b) ~~Prior to said repeal, the advisory committee appointed~~

1 ~~pursuant to this section shall be reviewed pursuant to section 2-3-1203,~~  
2 ~~C.R.S.~~

3           **SECTION 3. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly (August  
6 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
7 referendum petition is filed pursuant to section 1 (3) of article V of the  
8 state constitution against this act or an item, section, or part of this act  
9 within such period, then the act, item, section, or part will not take effect  
10 unless approved by the people at the general election to be held in  
11 November 2020 and, in such case, will take effect on the date of the  
12 official declaration of the vote thereon by the governor.