

CHAPTER 96

**AGRICULTURE**

**SENATE BILL 96-043**

BY SENATORS Dennis, Hernandez, and Martinez;

also REPRESENTATIVES Salaz, Acquafresca, Chlouber, Mace, Nichol, Pfiffner, and Young.

**AN ACT**

**CONCERNING THE ISSUANCE OF REGISTRATIONS RELATING TO NURSERIES THROUGH OFFICIALS OF THE DEPARTMENT OF AGRICULTURE.**

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

**SECTION 1.** 35-26-102, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**35-26-102. Definitions.** As used in this article, unless the context otherwise requires:

(9.5) "GROWN WITHIN COLORADO" MEANS PROPAGATED FROM SEED OR CUTTINGS OR BY BUDDING OR GRAFTING IN COLORADO, OR GROWN AS A NATIVE STAND OF TREES OR SHRUBS OR OTHER STOCK GROWING ON PROPERTY OWNED OR LEASED IN COLORADO BY THE NURSERY WHO INTENDS TO COLLECT AND SELL SUCH STOCK.

**SECTION 2.** 35-26-103 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**35-26-103. Inspections.** (1) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, premises in this state on which nursery stock is kept for sale or offered for sale shall be inspected at least once each year by the commissioner or ~~his~~ THE COMMISSIONER'S authorized agents, and all areas in this state which are sources of collected nursery stock may be inspected by the commissioner or ~~his~~ THE COMMISSIONER'S authorized agents. Inspections may also be made by the commissioner or ~~his~~ THE COMMISSIONER'S authorized agents at any time deemed appropriate by the commissioner based on information known to the commissioner or based on any complaint received by the commissioner alleging failure to comply with any provision of this article or any rule ~~or regulation~~ promulgated pursuant to

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

this article.

(b) ANY NURSERY THAT ONLY SELLS NURSERY STOCK THAT IS GROWN WITHIN COLORADO AND DOES NOT EXPORT SUCH STOCK OUTSIDE OF COLORADO IS EXEMPT FROM THE INSPECTION REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1); EXCEPT THAT SUCH NURSERY MAY BE INSPECTED UPON REQUEST IF THE REQUIRED INSPECTION FEE IS PAID.

**SECTION 3.** 35-26-115, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**35-26-115. Termination of function - repeal of article.** ~~The registration functions of the commissioner and the department as set forth in this article and terminated on July 1, 1996. This article is repealed, effective July 1, 1996. Prior to such repeal, the registration functions shall be reviewed as provided for in section 24-34-104, C.R.S.~~

**SECTION 4.** 24-34-104 (25.2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (25.2) ~~The function of the issuance of registrations relating to nurseries through the commissioner of agriculture and the department of agriculture in accordance with article 26 of title 35, C.R.S., shall terminate on July 1, 1996.~~

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 17, 1996