

## CHAPTER 11

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**AGRICULTURE**

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**HOUSE BILL 97-1027**

BY REPRESENTATIVES Entz, K. Alexander, Sullivant, and Young;  
also SENATORS Ament and Bishop.

**AN ACT**

CONCERNING AN ELEMENT OF PROOF THE COMMISSIONER OF AGRICULTURE WILL NOT HAVE TO SATISFY  
WHEN ENFORCING THE "PEST CONTROL ACT".

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

**SECTION 1.** 35-4-103 (3), Colorado Revised Statutes, 1995 Repl. Vol., as amended, is amended to read:

**35-4-103. Administration.** (3) Whenever the commissioner possesses sufficient evidence satisfactory to the commissioner indicating that a person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this article or rule or quarantine, the commissioner may apply to any court of competent jurisdiction for an order to temporarily or permanently restrain or enjoin the act or practice in question and to enforce compliance with this article or any rule or quarantine or order under this article. In any such action, the commissioner shall not be required to plead or prove IRREPARABLE INJURY OR the inadequacy of the remedy at law. Under no circumstances shall the court require the commissioner to post a bond.

**SECTION 2. 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: March 20, 1997

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