

## CHAPTER 278

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**AGRICULTURE**

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**SENATE BILL 04-193**

BY SENATOR(S) Entz, Andrews, Chlouber, Evans, Hagedorn, Hillman, Isgar, and Taylor;  
also REPRESENTATIVE(S) Salazar, Briggs, Butcher, Coleman, Hodge, Hoppe, Larson, Miller, Paccione, and Tochtrop.

**AN ACT**

**CONCERNING THE AUTHORITY OF THE DEPARTMENT OF AGRICULTURE TO PROMULGATE RULES TO SPECIFY THE CLASS OF STRAWBERRIES ALLOWED FOR PRODUCTION OF NURSERY STOCK IN THE STATE.**

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

**SECTION 1.** 35-1-104 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**35-1-104. Functions, powers, and duties.** (1) The department has and shall exercise the following functions, powers, and duties:

(aa.2) TO PROMULGATE RULES SPECIFYING THE CLASS OF STRAWBERRIES ALLOWED FOR PRODUCTION OF NURSERY STOCK IN THE STATE AND THE GEOGRAPHICAL LOCATIONS WHERE EACH CLASS MAY BE PRODUCED, ESTABLISHING DISTRICTS AND REQUIRING REGISTRATION OF FIELDS PRODUCING STRAWBERRIES WITH THE APPROPRIATE DISTRICT, AND ENFORCING THE PROVISIONS OF THIS PARAGRAPH (aa.2) BY REQUIRING A PRODUCER TO TAKE APPROPRIATE ACTIONS NECESSARY TO PREVENT THE INTRODUCTION OF DISEASES AND PESTS, ESTABLISHING REASONABLE PENALTIES OR COSTS OR BOTH, AND DETERMINING AND COLLECTING THE ACTUAL COSTS TO BE RECOVERED FROM THE PRODUCERS TO OFFSET THE CASH FUNDS EXPENDED FOR SERVICES PERFORMED BY THE DEPARTMENT IN THE ADMINISTRATION OF THIS PARAGRAPH (aa.2).

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine

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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.*

die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 21, 2004