

CHAPTER 240

AGRICULTURE

HOUSE BILL 13-1250

BY REPRESENTATIVE(S) Sonnenberg, Coram, Holbert, Labuda, Vigil, Rosenthal, Tyler;
also SENATOR(S) Tochtrop.

AN ACT**CONCERNING THE ADMINISTRATION OF COUNTY POWERS TO MAINTAIN THE LANDSCAPE.**

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

SECTION 1. In Colorado Revised Statutes, **amend** 35-4-106 as follows:

35-4-106. County pest inspectors - examination of applicants. It is the duty of a board of county commissioners to examine all applicants for the positions of county pest inspectors, and, if AN APPLICANT IS found competent and fully qualified to perform the duties of the office, the board shall issue to such applicants a license as county pest inspector. ~~No~~ A person shall NOT act as county pest inspector unless he holds such WITHOUT A license. ~~which shall certify to the competency of the applicant and shall authorize him to act as county pest inspector for a period of two~~ THE LICENSE IS VALID FOR THREE years.

SECTION 2. In Colorado Revised Statutes, 35-4-107, **amend** (1) (e) (III) and (3); and **add** (5) and (6) as follows:

35-4-107. Inspections - notice - treatment - collection of costs. (1) (e) Within ten days after receipt of notification of a pest infestation or infection, the landowner or occupant:

(III) ~~If the landowner or occupant disputes the finding of infestation or infection by the county pest inspector,~~ May request a hearing before the board of county commissioners or a panel appointed by the board IF THE LANDOWNER OR OCCUPANT DISPUTES THE FINDING OF INFESTATION OR INFECTION BY THE COUNTY PEST INSPECTOR. Any owner requesting such a hearing ~~shall not be required to take action to~~ NEED NOT control the pests pending the outcome of the hearing. The board of

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

county commissioners conducting the hearing shall order appropriate relief if it finds there is infestation or infection as alleged in the written notice. ~~Any relief ordered pursuant to this article shall be at the expense of the owner, but the cost to the owner or owners of any one parcel, including parcels contiguous thereto, shall not exceed five thousand dollars annually.~~ THE OWNER SHALL PAY FOR ANY RELIEF, NOT TO EXCEED TEN THOUSAND DOLLARS ANNUALLY, ORDERED UNDER THIS ARTICLE, INCLUDING UP TO TWENTY PERCENT OF THE COST OF PEST CONTROL MEASURES FOR INSPECTION AND OTHER INCIDENTAL COSTS.

(3) Upon payment by the board of county commissioners of any cost and expense of treating pest infestation or infection ~~pursuant to~~ IN ACCORDANCE WITH subsection (2) of this section, ~~it~~ THE COUNTY shall ~~make demand in writing upon such~~ FROM THE owner, in person or by mail addressed to ~~such~~ THE owner at his or her last-known place of residence, ~~for reimbursement to the county for the amount of the county's direct costs and expenses only. No such written demand for reimbursement of pest infestation or infection costs and expenses shall be in excess of five thousand dollars annually. Such written notice~~ THE COUNTY SHALL NOT SEND A WRITTEN DEMAND FOR MORE THAN TEN THOUSAND DOLLARS. IN THE WRITTEN NOTICE, THE COUNTY shall inform ~~such~~ THE owner of the right to appear before the board of county commissioners at any meeting thereof, as fixed by law, to be held within the following four months, and be heard as to the amount of ~~such claims~~ THE CLAIM FOR REIMBURSEMENT. If the claim, as originally demanded by the board or as adjusted upon ~~such~~ A hearing, is not paid at the end of ~~such~~ THE FOUR-MONTH period, the board shall certify ~~such~~ THE claim to the county treasurer of the county ~~in which~~ WHERE the property is located. The county treasurer shall add the amount of the claim to any taxes due, or to become due, from the owner, and if THE CLAIM IS not paid in due course, ~~the same shall be collected by the county treasurer as delinquent taxes~~ SHALL FILE A LIEN ON THE PROPERTY. THE LIEN'S PRIORITY IS BASED UPON THE DATE OF RECORDING IN ACCORDANCE WITH ARTICLE 35 OF TITLE 38, C.R.S. The board of county commissioners shall work with any landowner to develop a payment schedule for the cost of an assessment for pest treatment upon a demonstration by ~~such~~ THE landowner of an economic hardship. All ~~such~~ accounts when collected ~~shall be paid~~ MUST BE DEPOSITED into the general fund of the county.

(5) A COUNTY SHALL NOT PROVIDE FOR OR COMPEL THE MANAGEMENT OF PESTS ON PRIVATE PROPERTY UNDER THIS SECTION WITHOUT FIRST APPLYING THE SAME OR GREATER MANAGEMENT MEASURES TO ANY LAND OR RIGHTS-OF-WAY OWNED OR ADMINISTERED BY THE LOCAL GOVERNING BODY THAT ARE ADJACENT TO THE PRIVATE PROPERTY.

(6) A COUNTY PEST INSPECTOR OR AGENT THEREOF DOES NOT HAVE A CAUSE OF ACTION AGAINST A LANDOWNER OR OCCUPANT FOR PERSONAL INJURY OR PROPERTY DAMAGE INCURRED WHILE ON PUBLIC OR PRIVATE LAND WHILE WORKING WITHIN THE COURSE AND SCOPE OF THE INSPECTOR'S DUTIES EXCEPT WHEN SUCH DAMAGES WERE WILLFULLY CAUSED BY THE LANDOWNER.

SECTION 3. In Colorado Revised Statutes, **add 35-4-117** as follows:

35-4-117. County pest inspectors - weed and rodent control. SUBJECT TO THE DIRECTION OF THE BOARD OF COUNTY COMMISSIONERS, A COUNTY PEST INSPECTOR

MAY EXERCISE THE POWERS AND DUTIES GRANTED TO, AND PERFORM THE DUTIES OF, A COUNTY IN ACCORDANCE WITH ARTICLES 5.5 AND 7 OF THIS TITLE.

SECTION 4. In Colorado Revised Statutes, 35-5.5-105, **amend** (2) as follows:

35-5.5-105. Noxious weed management - powers of county commissioners.

(2) (a) The board of county commissioners shall provide for the administration of the noxious weed management plan authorized by this article through the use of agents, delegates, or employees and may hire additional staff or provide for the performance of all or part of the management plan through outside contract. Any agent, delegate, employee, staff, or contractor applying or recommending the use of chemical management methods shall be certified by the department of agriculture for such application or recommendation. Costs associated with the administration of the noxious weed management plan shall be paid from the noxious weed management fund of each county.

(b) SUBJECT TO THE DIRECTION OF THE BOARD OF COUNTY COMMISSIONERS, AN AGENT OF THE COUNTY APPOINTED OR EMPLOYED UNDER THIS SUBSECTION (2) MAY EXERCISE THE POWERS AND DUTIES GRANTED TO, AND PERFORM THE DUTIES OF, A COUNTY PEST INSPECTOR IN ACCORDANCE WITH ARTICLES 4 AND 5 OF THIS TITLE.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 17, 2013