



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 24-0367
Prime Sponsors:

Date: October 27, 2023
Bill Status: Bill Request
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Bill Topic: LOCAL AUTHORITY TO ENFORCE VIOLATION OF NOXIOUS WEED ACT

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill creates a civil infraction for a violation of the Colorado Noxious Weed Act and allows for enforcement by a Board of County Commissioners. This increases state and local government workload and potentially revenue on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the bill draft requested by the Water Resources and Agriculture Review Committee.

Summary of Legislation

The bill allows for the additional local enforcement of the Colorado Noxious Weed Act. Specifically, it allows each board of county commissioners to assess and collect fines for violations of local laws that manage noxious weeds. In addition, under state law, the bill allows violations of the Noxious Weed Act, or any state or local regulation under the act, to be charged in county court as a civil infraction. This civil infraction is in addition to, not a replacement of, the authority of the Commissioner of Agriculture to issue civil penalties for violations of the act.

Any individual that commits a civil infraction under the bill may be charged a minimum fine of \$500, and up to \$1000. Every consecutive day that a violation occurs is a separate offense, and a violator may be charged a fine of up to \$100 per day. Until any civil penalties are paid in full, a lien may be placed against the property where the violation occurs. If a civil penalty is not paid within 30 days, the county treasurer shall collect the civil penalty, plus 10 percent.

The bill also allows a county attorney to issue an injunction to prevent or resolve an ongoing violation. A county or district attorney may determine whether to pursue an enforcement action described in the bill or pursue another remedy available under existing law. In cases where a county does not have a county attorney, the board of county commissioners may appoint a district attorney to enforce any violations.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. Using Judicial Department data, the following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior conviction data and assumptions. This bill creates the new offense of violating provisions of the Colorado Noxious Weeds Act, a civil infraction. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of a petty offense under the Pesticide Applicators Act as a comparable crime. From FY 2020-21 to FY 2022-23, zero offenders have been sentenced and convicted for this existing offense; therefore, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, primarily in the trial courts and its information technology division, are assumed to be minimal and no change in appropriations is required.

Local Government

Similar to the state, it is expected that any workload or cost increases for district or county attorneys to prosecute additional offenses under the bill will be minimal. District and county attorney offices are funded by counties.

Technical Note

Under current law, district attorneys are prohibited from representing the state in civil infraction hearings. Although the bill allows for a board of county commissioners to appoint a district attorney to enforce a civil infraction, the fiscal note assumes there will be minimal impact to district attorneys.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Agriculture
County Treasurers
Municipalities

Judicial
Denver County Courts

Counties
District Attorneys