

CHAPTER 55

AGRICULTURE

SENATE BILL 99-111

BY SENATORS Hillman, Andrews, Congrove, Dennis, Evans, Musgrave, Owen, Arnold, Chlouber, Epps, Lacy, Powers, Tebedo, and Wattenberg;
also REPRESENTATIVES Kester, Young, McKay, Webster, Alexander, Decker, Hoppe, Larson, and Smith.

AN ACT

CONCERNING A PROHIBITION AGAINST THE RELEASE OF DESTRUCTIVE RODENT PESTS INTO A COUNTY WITHOUT THE PRIOR APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY.

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

SECTION 1. Part 2 of article 7 of title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

35-7-203. Release of destructive rodent pests - definitions. (1) NO PERSON SHALL RELEASE DESTRUCTIVE RODENT PESTS INTO A COUNTY UNLESS SUCH PERSON HAS COMPLIED WITH ALL REQUIREMENTS FOR SUCH RELEASE IMPOSED BY THE WILDLIFE COMMISSION AND OBTAINED BOTH THE PRIOR APPROVAL OF THE COMMISSION AND THE PRIOR APPROVAL, BY RESOLUTION DULY ADOPTED, OF THE BOARD OF COUNTY COMMISSIONERS OF SUCH COUNTY. A PERSON NEED NOT OBTAIN SUCH PRIOR APPROVAL BEFORE:

(a) TRANSPORTING DESTRUCTIVE RODENT PESTS THROUGH A COUNTY WITHOUT RELEASING SUCH DESTRUCTIVE RODENT PESTS; OR

(b) CONFINING DESTRUCTIVE RODENT PESTS INDOORS OR IN CAGES OR SIMILAR ENCLOSURES AND USING SUCH DESTRUCTIVE RODENT PESTS FOR SCIENTIFIC PURPOSES OR AS FOOD FOR HUMAN OR ANIMAL CONSUMPTION; OR

(c) KEEPING DESTRUCTIVE RODENT PESTS INDOORS OR IN CAGES OR SIMILAR ENCLOSURES AS PETS; OR

(d) RELEASING DESTRUCTIVE RODENT PESTS INTO THE COUNTY IN WHICH SUCH DESTRUCTIVE RODENT PESTS WERE ORIGINALLY TAKEN INTO CAPTIVITY.

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

(2) FOR PURPOSES OF THIS SECTION, "DESTRUCTIVE RODENT PESTS" MEANS ONE OR MORE RODENTS, INCLUDING BUT NOT LIMITED TO PRAIRIE DOGS, GROUND SQUIRRELS, POCKET GOPHERS, JACKRABBITS, AND RATS, THAT POSE A THREAT TO AGRICULTURAL, HORTICULTURAL, OR LIVESTOCK CONCERNS OR TO HUMAN HEALTH.

(3) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY INTO WHICH A PERSON RELEASES DESTRUCTIVE RODENT PESTS WITHOUT THE PRIOR APPROVAL OF SUCH BOARD MAY, AT ITS DISCRETION:

(a) REQUIRE THE PERSON WHO RELEASED THE DESTRUCTIVE RODENT PESTS TO ERADICATE THE DESTRUCTIVE RODENT PESTS OR REMOVE THE DESTRUCTIVE RODENT PESTS FROM THE COUNTY; OR

(b) IMPOSE A FINE UPON THE PERSON WHO RELEASED THE DESTRUCTIVE RODENT PESTS IN AN AMOUNT SUFFICIENT TO COMPENSATE THE COUNTY FOR THE COST OF ERADICATING THE DESTRUCTIVE RODENT PESTS OR REMOVING THE DESTRUCTIVE RODENT PESTS FROM THE COUNTY.

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 25, 1999