

CHAPTER 19

GOVERNMENT - COUNTY

HOUSE BILL 11-1087

BY REPRESENTATIVE(S) Vigil, Pace, McNulty;
also SENATOR(S) Giron.

AN ACT

CONCERNING REIMBURSEMENT TO COUNTY GOVERNMENTS FOR CHARGES INCURRED IN PEST CONTROL OPERATIONS UNDERTAKEN BY THE COUNTY.

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

SECTION 1. 35-7-108, Colorado Revised Statutes, is amended to read:

35-7-108. Private lands. Upon privately owned lands, the control of rodent pests under this part 1 shall, so far as possible, be based on voluntary cooperation of owners, lessees, or occupants. IF A PRIVATE LANDOWNER ENTERS INTO A COOPERATIVE AGREEMENT WITH THE COUNTY PURSUANT TO WHICH THE COUNTY AGREES TO CONTROL RODENT PESTS ON THE LANDOWNER'S REAL PROPERTY, THE PRIVATE LANDOWNER SHALL REIMBURSE THE COUNTY FOR ACTUAL EXPENSES INCURRED BY THE COUNTY IN CONNECTION WITH SUCH RODENT PESTS CONTROL OPERATIONS.

SECTION 2. 35-7-110, Colorado Revised Statutes, is amended to read:

35-7-110. State reimbursed for actual cost. All poisons or other materials for such control furnished by the state to such cooperators shall be supplied at actual cost, and the state shall be reimbursed by such cooperators, landowners, lessees, or contract holders for the actual cost of materials and labor, other than supervision, expended by the state in such treatment under cooperative agreements with them. Such reimbursement shall be made by each owner, lessee, or contract holder in the proportion that the number of acres of land treated for him OR HER bears to the total acreage treated in the area designated for treatment or according to such equitable proportion or plan as shall be provided for in the agreement. Any such agreement shall require full reimbursement to be made to the state within thirty days after presentation by the department, or its agents, of an itemized account therefor. ~~Upon~~

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

~~failure of any such owner, lessee, or contract holder to make due and prompt payment of such account, the same shall be certified together with a description of the lands sufficient to identify same, by the department, or its agents, to the board of county commissioners of the county wherein the land is situated, and such board shall audit and allow the account, and the county treasurer shall pay the same to the department by warrant drawn against the contingent or any other county fund available for the purpose.~~

SECTION 3. 35-7-114, Colorado Revised Statutes, is amended to read:

35-7-114. Charges against landowner - lien rights. Whenever any county has been required to pay any expense charged against any landowners, under a cooperative agreement or otherwise, on account of such pest control operations conducted upon or for the benefit of his OR HER lands, such county shall have a lien upon such lands for the amount so paid or for such lesser amount as such landowner shall be adjudged to pay after a hearing before the board of county commissioners. ~~as provided in section 35-7-115; but the amount charged against any landowner, lessee, or contract holder for pest control operations shall not exceed the rate of fifteen cents per acre for operations conducted during any one calendar year.~~

SECTION 4. 35-7-115, Colorado Revised Statutes, is amended to read:

35-7-115. Enforcing collection - hearing. Upon payment by any county of any such bill of expenses so charged against any landowner, lessee, or contract holder, the board of county commissioners shall make demand and notice in writing, upon such landowner, lessee, or contract holder, in person or by mail addressed to him OR HER at his OR HER last known place of residence twenty days prior to the ~~first Monday in November each year~~ PUBLISHED MEETING DATE, for reimbursement to the county in the amount of such expenses. Such written notice shall inform such person that he OR SHE may appear before the board ~~at ON~~ the PUBLISHED meeting ~~thereof to be held the first Monday in November each year~~ DATE and be heard as to the amount and accuracy of the claim. If such claim, as originally demanded by the board or as adjusted upon the hearing, is not paid, then, in the case of a private landowner, ~~such county board~~ THE BOARD OF COUNTY COMMISSIONERS shall certify the claim to the county assessor who shall add the amount thereof to any taxes due or to become due upon his OR HER lands, and said lands shall be sold for the satisfaction thereof at the same time and in the same manner as is provided by law for the sale of real estate for delinquent taxes. In cases where such accounts are payable by a lessee or contract holder, suit may be maintained in behalf of the county in any court of competent jurisdiction for the recovery of such accounts and costs of suit. All such accounts when collected by the county shall be paid into the general fund thereof or into the fund used by the county to meet its obligations under this part 1.

SECTION 5. 35-7-201 (1), Colorado Revised Statutes, is amended to read:

35-7-201. Control and eradication of rodents. (1) The boards of county commissioners of the several counties of this state are authorized to purchase materials and equipment and to employ one or more suitable persons to destroy jackrabbits, prairie dogs, ground squirrels, or other injurious rodents within the limits of their respective counties. Any materials and equipment so purchased and

compensation for such services shall be paid out of the general fund or a specially designated fund of such county. ~~but no such county shall expend for such purposes more than twenty thousand dollars in any one year.~~

SECTION 6. Act subject to petition - 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 (August 10, 2011, if adjournment sine die is on May 11, 2011); 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 shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 11, 2011