AN ACT

CONCERNING ACTIONS TAKEN TO REMEDIATE SOIL EROSION CREATING PROPERTY DAMAGE.

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

SECTION 1. In Colorado Revised Statutes, 35-72-103, amend (1) as follows:

35-72-103. Action by county commissioners - emergency conditions.
(1) (a) When the board of any county of the state is advised in writing or otherwise informed that soil is blowing from any land in the county; and
the board is supplied with a description of such land; and it appears that by reason of such blowing from any land in the county; private property, including but not limited to crops, grasslands, fences, fencerows, irrigation canals, ditches, or livestock on adjacent or other land, or roads, barrow ditches, fences or other public property is being damaged by the blowing soil, the board shall as soon as practicable:

(I) Give notice of the complaint to the owner or occupier of the land from which soil is blowing; and

(II) Inspect or cause to be inspected the land.

(b) If the board finds, after consultation with a member or members of the local district board of directors, with the state conservation board or with an extension agent with expertise in soil conservation or soil science, and after consultation with local owners or occupiers, including the owner or occupier of the land from which soil is blowing, that soil is blowing from such land in sufficient quantity to be injurious to private property, including but not limited to crops, grasslands, fences, fencerows, irrigation canals, ditches, or livestock on adjacent or other land, or to roads, barrow ditches, fences, or other public property

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.
because of soil being blown thereon, such the board shall determine what, if anything, can be done to prevent or materially lessen such the blowing of soil from such the land. If the board determines, after such the consultation, that the complaint lodged with it falls under the provisions of article 3.5 of this title, no further action shall be taken by the board. If the board finds, after such the consultation, that an emergency exists, that such the blowing is occurring, that property damage appears to be resulting from the blowing soil, and that it can be prevented or materially lessened by treatment of the soil, and that property damage appears to be resulting therefrom, such the board shall issue a citation to the owner as listed upon the records of the county assessor and to the occupier, if known to such the board, specifying the nature of the treatment required and the extent thereof, and the date by which such the treatment is to be commenced, and the date it is to be completed.

SECTION 2. In Colorado Revised Statutes, 35-72-105, amend (1) as follows:

35-72-105. Method of assessment. (1) Upon the completion of the treatment caused to be performed by the board as provided in section 35-72-103, the board shall, by resolution, determine the land so benefited and from which soil is blowing and assess against said the owner of the benefited land so benefited the actual cost of said the treatment not in excess of fifteen dollars per acre or the actual cost of treatment, whichever is less, in any one calendar year. Said the board shall record the resolution shall be recorded in the minutes of the board, deliver the original thereof shall be delivered by the clerk of said board to the county assessor, and send a copy thereof shall be mailed by registered mail to the landowner at the address shown on the records of the county assessor and to the occupier, if known to the board.

SECTION 3. Act subject to petition - effective date - applicability. (1) 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 6, 2014, if adjournment sine die is on May 7, 2014); 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.

(2) This act applies to mitigation actions taken on or after the applicable effective date of this act.

Approved: March 20, 2014