

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 13-0860.01 Jery Payne x2157

HOUSE BILL 13-1250

HOUSE SPONSORSHIP

Sonnenberg,

SENATE SPONSORSHIP

Tochtrop,

House Committees
Local Government

Senate Committees
Local Government

A BILL FOR AN ACT

101 CONCERNING THE ADMINISTRATION OF COUNTY POWERS TO MAINTAIN
102 THE LANDSCAPE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Section 1 of the bill includes rodents in the classes of pests that a county pest inspector has authority to address. **Section 2** extends from 2 to 3 years the expiration date of a county pest inspector license. **Section 3** raises from \$5,000 to \$10,000 the cap on how much a landowner may be billed for pest mitigation on the person's land. Section 3 also prohibits

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 12, 2013

HOUSE
3rd Reading Unamended
March 28, 2013

HOUSE
Amended 2nd Reading
March 27, 2013

the county from compelling pest mitigation that exceeds that done on adjacent government land. A county pest inspector cannot sue the landowner or occupant for personal injury or property damage unless the landowner caused the injury or damage willfully.

Section 4 authorizes a county pest inspector to exercise the powers already granted to counties to control weeds and rodents. **Section 5** authorizes a county to exercise the powers already granted to county pest inspectors to control pests.

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

2
3 **SECTION 1.** In Colorado Revised Statutes, **amend** 35-4-106 as
4 follows:

5 **35-4-106. County pest inspectors - examination of applicants.**

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

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

16 **35-4-107. Inspections - notice - treatment - collection of costs.**

17 (1) (e) Within ten days after receipt of notification of a pest infestation
18 or infection, the landowner or occupant:

19 (III) ~~If the landowner or occupant disputes the finding of~~
20 ~~infestation or infection by the county pest inspector,~~ May request a
21 hearing before the board of county commissioners or a panel appointed

1 by the board IF THE LANDOWNER OR OCCUPANT DISPUTES THE FINDING OF
2 INFESTATION OR INFECTION BY THE COUNTY PEST INSPECTOR. Any owner
3 requesting such a hearing shall not be required to take action to NEED NOT
4 control THE pests pending the outcome of the hearing. The board of
5 county commissioners conducting the hearing shall order appropriate
6 relief if it finds there is infestation or infection as alleged in the written
7 notice. ~~Any relief ordered pursuant to this article shall be at the expense~~
8 ~~of the owner, but the cost to the owner or owners of any one parcel,~~
9 ~~including parcels contiguous thereto, shall not exceed five thousand~~
10 ~~dollars annually~~ THE OWNER SHALL PAY FOR ANY RELIEF, NOT TO EXCEED
11 TEN THOUSAND DOLLARS ANNUALLY, ORDERED UNDER THIS ARTICLE,
12 INCLUDING UP TO TWENTY PERCENT OF THE COST OF PEST CONTROL
13 MEASURES FOR INSPECTION AND OTHER INCIDENTAL COSTS.

14 (3) Upon payment by the board of county commissioners of any
15 cost and expense of treating pest infestation or infection pursuant to IN
16 ACCORDANCE WITH subsection (2) of this section, ~~it~~ THE COUNTY shall
17 ~~make~~ demand in writing ~~upon such~~ FROM THE owner, in person or by mail
18 addressed to ~~such~~ THE owner at his or her last-known place of residence,
19 ~~for~~ reimbursement to the county for the amount of the county's direct
20 costs and expenses only. ~~No such written demand for reimbursement of~~
21 ~~pest infestation or infection costs and expenses shall be in excess of five~~
22 ~~thousand dollars annually. Such written notice~~ THE COUNTY SHALL NOT
23 SEND A WRITTEN DEMAND FOR MORE THAN TEN THOUSAND DOLLARS. IN
24 THE WRITTEN NOTICE, THE COUNTY shall inform ~~such~~ THE owner of the
25 right to appear before the board of county commissioners at any meeting
26 thereof, as fixed by law, to be held within the following four months, and
27 be heard as to the amount of ~~such claims~~ THE CLAIM FOR

1 REIMBURSEMENT. If the claim, as originally demanded by the board or as
2 adjusted upon ~~such~~ A hearing, is not paid at the end of ~~such~~ THE
3 FOUR-MONTH period, the board shall certify ~~such~~ THE claim to the county
4 treasurer of the county ~~in which~~ WHERE the property is located. The
5 county treasurer shall add the amount of the claim to any taxes due, or to
6 become due, from the owner, and if THE CLAIM IS not paid in due course,
7 the same shall be collected by the county treasurer as delinquent taxes
8 SHALL FILE A LIEN ON THE PROPERTY. THE LIEN'S PRIORITY IS BASED UPON
9 THE DATE OF RECORDING IN ACCORDANCE WITH ARTICLE 35 OF TITLE 38,
10 C.R.S. The board of county commissioners shall work with any
11 landowner to develop a payment schedule for the cost of an assessment
12 for pest treatment upon a demonstration by ~~such~~ THE landowner of an
13 economic hardship. All ~~such~~ accounts when collected ~~shall be paid~~ MUST
14 BE DEPOSITED into the general fund of the county.

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

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

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

1 follows:

2 **35-4-117. County pest inspectors - weed and rodent control.**

3 SUBJECT TO THE DIRECTION OF THE BOARD OF COUNTY COMMISSIONERS,
4 A COUNTY PEST INSPECTOR MAY EXERCISE THE POWERS AND DUTIES
5 GRANTED TO, AND PERFORM THE DUTIES OF, A COUNTY IN ACCORDANCE
6 WITH ARTICLES 5.5 AND 7 OF THIS TITLE.

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

9 **35-5.5-105. Noxious weed management - powers of county**
10 **commissioners.** (2) (a) The board of county commissioners shall provide
11 for the administration of the noxious weed management plan authorized
12 by this article through the use of agents, delegates, or employees and may
13 hire additional staff or provide for the performance of all or part of the
14 management plan through outside contract. Any agent, delegate,
15 employee, staff, or contractor applying or recommending the use of
16 chemical management methods shall be certified by the department of
17 agriculture for such application or recommendation. Costs associated with
18 the administration of the noxious weed management plan shall be paid
19 from the noxious weed management fund of each county.

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

25 **SECTION 5. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2014 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.