

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0775.01 Jery Payne x2157

**SENATE BILL 12-169**

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**SENATE SPONSORSHIP**

**Tochtrop,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

Agriculture, Natural Resources, and Energy

**House Committees**

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**A BILL FOR AN ACT**

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

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**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 removes the statutory cap of \$5,000 on the amount that a county may seek reimbursement for in connection with pest control efforts on private property. **Section 2** authorizes a county pest inspector to exercise the powers already granted to counties to control weeds and rodents.

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.*

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

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

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

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

7           (III) ~~If the landowner or occupant disputes the finding of~~  
8 ~~infestation or infection by the county pest inspector,~~ May request a  
9 hearing before the board of county commissioners or a panel appointed  
10 by the board IF THE LANDOWNER OR OCCUPANT DISPUTES THE FINDING OF  
11 INFESTATION OR INFECTION BY THE COUNTY PEST INSPECTOR. Any owner  
12 requesting such a hearing ~~shall not be required to take action to~~ NEED NOT  
13 control THE pests pending the outcome of the hearing. The board of  
14 county commissioners conducting the hearing shall order appropriate  
15 relief if it finds there is infestation or infection as alleged in the written  
16 notice. ~~Any relief ordered pursuant to this article shall be at the expense~~  
17 ~~of the owner, but the cost to the owner or owners of any one parcel,~~  
18 ~~including parcels contiguous thereto, shall not exceed five thousand~~  
19 ~~dollars annually~~ THE OWNER SHALL PAY FOR ANY RELIEF ORDERED UNDER  
20 THIS ARTICLE.

21           (3) Upon payment by the board of county commissioners of any  
22 cost and expense of treating pest infestation or infection ~~pursuant to~~ IN  
23 ACCORDANCE WITH subsection (2) of this section, ~~it~~ THE COUNTY shall  
24 ~~make~~ demand in writing ~~upon such~~ FROM THE owner, in person or by mail  
25 addressed to ~~such~~ THE owner at his or her last-known place of residence,  
26 ~~for~~ reimbursement to the county for the amount of the county's direct

1 costs and expenses only. ~~No such written demand for reimbursement of~~  
2 ~~pest infestation or infection costs and expenses shall be in excess of five~~  
3 ~~thousand dollars annually. Such written notice~~ IN THE WRITTEN NOTICE,  
4 THE COUNTY shall inform ~~such~~ THE owner of the right to appear before  
5 the board of county commissioners at any meeting thereof, as fixed by  
6 law, to be held within the following four months, and be heard as to the  
7 amount of ~~such claims~~ THE CLAIM FOR REIMBURSEMENT. If the claim, as  
8 originally demanded by the board or as adjusted upon ~~such~~ A hearing, is  
9 not paid at the end of ~~such~~ THE FOUR-MONTH period, the board shall  
10 certify ~~such~~ THE claim to the county treasurer of the county ~~in which~~  
11 WHERE the property is located. The county treasurer shall add the amount  
12 of the claim to any taxes due, or to become due, from the owner, and if  
13 not paid in due course, ~~the same shall be collected by~~ the county treasurer  
14 SHALL COLLECT THE AMOUNT OF THE CLAIM as delinquent taxes. The  
15 board of county commissioners shall work with any landowner to develop  
16 a payment schedule for the cost of an assessment for pest treatment upon  
17 a demonstration by such landowner of an economic hardship. All ~~such~~  
18 accounts when collected ~~shall be~~ ARE paid into the general fund of the  
19 county.

20 **SECTION 2.** In Colorado Revised Statutes, **add** 35-4-117 as  
21 follows:

22 **35-4-117. County pest inspectors - weed and rodent control.**  
23 SUBJECT TO THE DIRECTION OF THE COUNTY COMMISSIONERS, A COUNTY  
24 PEST INSPECTOR MAY EXERCISE THE POWERS AND DUTIES GRANTED TO,  
25 AND PERFORM THE DUTIES OF, COUNTIES IN ACCORDANCE WITH ARTICLES  
26 5.5 AND 7 OF THIS TITLE.

27 **SECTION 3.** In Colorado Revised Statutes, **35-5.5-105, amend**

1 (2) as follows:

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

13 (b) SUBJECT TO THE DIRECTION OF THE BOARD OF COUNTY  
14 COMMISSIONERS, AN AGENT OF THE COUNTY APPOINTED OR EMPLOYED  
15 UNDER THIS SUBSECTION (2) MAY EXERCISE THE POWERS AND DUTIES  
16 GRANTED TO, AND PERFORM THE DUTIES OF, A COUNTY PEST INSPECTOR IN  
17 ACCORDANCE WITH ARTICLES 4 AND 5 OF THIS TITLE.

18 **SECTION 4. Act subject to petition - effective date -**  
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
20 the expiration of the ninety-day period after final adjournment of the  
21 general assembly (August 8, 2012, if adjournment sine die is on May 9,  
22 2012); except that, if a referendum petition is filed pursuant to section 1  
23 (3) of article V of the state constitution against this act or an item, section,  
24 or part of this act within such period, then the act, item, section, or part  
25 will not take effect unless approved by the people at the general election  
26 to be held in November 2012 and, in such case, will take effect on the  
27 date of the official declaration of the vote thereon by the governor.

- 1           (2) The provisions of this act apply to weed or pest mitigation
- 2 orders issued on or after the applicable effective date of this act.