

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 01-0877.01 Jery Payne

HOUSE BILL 01-1350

HOUSE SPONSORSHIP

Webster,

SENATE SPONSORSHIP

Hillman,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PROTECT THE INTERESTS OF LANDOWNERS**
102 **WHEN DESTRUCTIVE RODENT PESTS ARE RELEASED INTO A**
103 **COUNTY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires the state of Colorado or any political subdivision to notify the board of county commissioners at least 30 days prior to releasing destructive rodent pests into a county and to forward the management plan to the board.

When destructive rodent pests are released in a county and become a nuisance to adjacent landowners, requires the board of county commissioners to provide notice to and require the owner or occupant of

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.

HOUSE
3rd Reading Unamended
February 27, 2001

HOUSE
Amended 2nd Reading
February 26, 2001

the land on which the rodents were initially released to abate the nuisance. If the offending landowner or occupant fails to abate the rodent nuisance, requires the board of county commissioners to abate the rodent nuisance and to seek reimbursement from the landowner. Authorizes the county government to place a lien on the property that is collectable in the same manner as taxes if the offending landowner fails to reimburse the county within 30 days. Sets procedures for the collection of such debt, including the ability of a landowner to protest the cost accounting of such reimbursement, setting a 5% of property value limit on the amount of an annual assessment, and setting interest on any amount carried forward to another year at 6%.

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

SECTION 1. 35-7-203, Colorado Revised Statutes, is amended
BY THE ADDITION OF A NEW SUBSECTION to read:

35-7-203. Release of destructive rodent pests - definitions.

(4) A PERSON SHALL NOT RELEASE DESTRUCTIVE RODENT PESTS IN A COUNTY UNLESS THE BOARD OF COUNTY COMMISSIONERS IS NOTIFIED AT LEAST THIRTY DAYS PRIOR TO SUCH RELEASE AND RECEIVES THE MANAGEMENT PLAN FOR SUCH DESTRUCTIVE RODENT PESTS.

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

35-7-204. Control procedures - notice - assessments - protests.

(1) IF A DESTRUCTIVE RODENT PEST WAS RELEASED WITHIN A COUNTY UPON PRIVATELY OWNED LAND BY THE OWNER, LESSEE, OR OCCUPANT OF THE LAND, OR WITH THE APPROVAL OF SUCH PERSON, AND SUCH PEST BECOMES A NUISANCE TO ADJACENT LANDOWNERS, THE COUNTY SHALL GIVE NOTICE TO THE LANDOWNER AND THE LESSEE OR OCCUPANT ADVISING OF THE RODENT NUISANCE AND REQUESTING THAT SUCH PERSON OR AGENT OF SUCH PERSON ABATE THE RODENT NUISANCE. SUCH NOTICE SHALL BE IN WRITING AND DELIVERED IN PERSON OR BY MAIL ADDRESSED TO SUCH OWNER'S,

1 LESSEE'S, OR OCCUPANT'S LAST-KNOWN PLACE OF RESIDENCE. FAILURE
2 TO RECEIVE SUCH NOTICE SHALL NOT CONSTITUTE A DEFENSE TO THE
3 ASSESSMENT OF A LIEN AGAINST THE PROPERTY, AS PROVIDED IN THIS
4 SECTION, FOR THE EXPENSE OF THE ABATEMENT OF SUCH RODENT NUISANCE.

5 (2) IF A LANDOWNER, LESSEE, OCCUPANT, OR AGENT REFUSES TO
6 ABATE THE RODENT NUISANCE, THE BOARD OF COUNTY COMMISSIONERS
7 MAY ENTER UPON SUCH LANDS TO EFFECT THE ABATEMENT OF THE RODENT
8 NUISANCE.

9 (3) (a) UPON ABATEMENT OF THE RODENT NUISANCE BY THE BOARD
10 OF COUNTY COMMISSIONERS AS REQUIRED IN SUBSECTION (2) OF THIS
11 SECTION, THE BOARD SHALL NOTIFY OR CAUSE TO BE NOTIFIED THE
12 LANDOWNER, BY CERTIFIED MAIL, AT THE ADDRESS SHOWN ON THE
13 RECORDS OF THE COUNTY ASSESSOR, OR BY ONE PUBLICATION IN A
14 NEWSPAPER HAVING GENERAL CIRCULATION WITHIN THE COUNTY, AS TO THE
15 AMOUNT DUE, FURNISHING AN ITEMIZED STATEMENT OF THE EXPENSES, AND
16 STATING THAT, IF THE AMOUNT OF SUCH STATEMENT IS NOT PAID TO THE
17 COUNTY TREASURER OF THE COUNTY WHEREIN THE REAL ESTATE IS
18 LOCATED WITHIN THIRTY DAYS AFTER THE DATE OF SUCH NOTICE, THE
19 AMOUNT THEREOF WILL BE ASSESSED AS A LIEN UPON SUCH REAL ESTATE.
20 SUCH LIEN SHALL NOT BE IN EXCESS OF THE VALUATION FOR ASSESSMENT
21 OF SUCH REAL ESTATE.

22 (b) A COPY OF THE FINAL STATEMENT OF EXPENSES FURNISHED
23 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE FILED WITH
24 THE COUNTY ASSESSOR. IF THE AMOUNT OF THE STATEMENT IS NOT PAID
25 WITHIN THIRTY DAYS AFTER THE MAILING OR PUBLICATION OF THE NOTICE
26 CONTAINING SUCH STATEMENT, OR WITHIN THIRTY DAYS AFTER THE
27 FINDINGS OR CHANGES RESULTING FROM A PROTEST IF A PROTEST IS FILED

1 PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE COUNTY ASSESSOR MAY
2 ADD THE AMOUNT TO THE ASSESSMENT ROLLS, AND SUCH ASSESSMENT
3 SHALL THEREON BECOME A PART OF THE GENERAL TAXES AND CONSTITUTE
4 ALIEN AGAINST THE ENTIRE CONTIGUOUS TRACT OR ANY IMPROVEMENTS ON
5 SUCH TRACT. THE ASSESSMENT SHALL THEREAFTER BECOME DUE IN THE
6 SAME MANNER AND BE COLLECTED IN THE SAME MANNER AS THE GENERAL
7 AD VALOREM PROPERTY TAX; EXCEPT THAT NOT MORE THAN FIVE PERCENT
8 OF THE TOTAL VALUATION FOR ASSESSMENT OF THE ENTIRE CONTIGUOUS
9 TRACT OF LAND SHALL BE SPREAD ON THE TAX ROLLS AGAINST SUCH LAND
10 IN ANY ONE YEAR. ANY AMOUNT IN EXCESS OF THE FIVE PERCENT
11 LIMITATION REMAINING UNPAID MAY BE CARRIED OVER AND CHARGED ON
12 THE TAX ROLL OF THE SUCCEEDING YEARS, AND ANY UNPAID BALANCE SO
13 CARRIED OVER SHALL BEAR INTEREST AT THE RATE OF SIX PERCENT PER
14 ANNUM UNTIL PAID. ALL OF THE PROVISIONS OF THE GENERAL LAWS FOR
15 THE ENFORCEMENT OF THE COLLECTION OF TAXES SHALL BE APPLICABLE
16 AFTER THE EXTENSION BY THE COUNTY ASSESSOR.

17 (4) IF ANY LANDOWNER WITHIN THE DISTRICT IS DISSATISFIED WITH
18 AN ITEMIZED STATEMENT OF EXPENSE FURNISHED PURSUANT TO PARAGRAPH
19 (a) OF SUBSECTION (3) OF THIS SECTION, THE LANDOWNER MAY, WITHIN
20 THIRTY DAYS AFTER THE MAILING OR PUBLICATION OF THE ACCOUNT
21 SHOWING SUCH CHARGE, FILE A WRITTEN PROTEST WITH THE BOARD OF
22 COUNTY COMMISSIONERS. NOT LATER THAN TEN DAYS AFTER THE FILING OF
23 SUCH PROTEST, THE BOARD OF COUNTY COMMISSIONERS SHALL FIX A TIME
24 AND PLACE FOR HEARING ON THE PROTEST FILED, TO BE HELD NOT LESS
25 THAN TEN DAYS NOR MORE THAN THIRTY DAYS AFTER THE DATE OF NOTICE
26 OF THE HEARING, AND IMMEDIATELY AFTER SUCH HEARING THE BOARD OF
27 COUNTY COMMISSIONERS SHALL MAKE WRITTEN FINDINGS AND SUCH

1 CHANGES IN THE ASSESSMENT AS MAY BE DETERMINED TO CONFORM WITH
2 SUCH FINDINGS.

3 **SECTION 3. Effective date - applicability.** This act shall take
4 effect July 1, 2001, and shall apply to acts committed on or after said date.

5 **SECTION 4. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.