

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

SB23-148 be amended as follows:

1 Strike the Local Government and Housing Committee Report, dated
2 March 9, 2023.

3 Strike the Finance Committee Report, dated March 28, 2023.

4 Amend printed bill, strike everything below the enacting clause and
5 substitute:

6 "SECTION 1. In Colorado Revised Statutes, 25-18.5-103, **amend**
7 (2)(a) introductory portion and (2)(a)(I) as follows:

8 **25-18.5-103. Discovery of illegal drug laboratory - property**
9 **owner - cleanup - liability.** (2) (a) Except as specified in ~~paragraph (b)~~
10 ~~of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, once a property
11 owner has received certificates of compliance from a contractor and a
12 consultant in accordance with section 25-18.5-102 (1)(e), or has
13 demolished the property, or has met the clean-up standards and
14 documentation requirements of this section as it existed before August 7,
15 2013, the property owner:

16 (I) Shall furnish copies of the certificates of compliance to the
17 governing body AND THE DEPARTMENT; and

18 **SECTION 2.** In Colorado Revised Statutes, 25-18.5-106, **add** (2)
19 as follows:

20 **25-18.5-106. Powers and duties of department.** (2) ON AND
21 AFTER JANUARY 1, 2024, THE DEPARTMENT SHALL CREATE AND MAKE
22 AVAILABLE TO THE PUBLIC AN ONLINE DATABASE OF ANY RESIDENTIAL
23 REAL PROPERTY, AS DEFINED IN SECTION 38-35.7-103 (5), THAT HAS BEEN
24 USED AS AN ILLEGAL DRUG LABORATORY THAT MANUFACTURED
25 METHAMPHETAMINE. THE DEPARTMENT SHALL REMOVE A RESIDENTIAL
26 REAL PROPERTY FROM THE DATABASE FIVE YEARS AFTER THE LATER DATE
27 ON THE CERTIFICATES OF COMPLIANCE ISSUED BY A CONTRACTOR AND A
28 CONSULTANT IN ACCORDANCE WITH SECTION 25-18.5-102 (1)(e).

29 **SECTION 3.** In Colorado Revised Statutes, **add** 25-18.5-110 as
30 follows:

31 **25-18.5-110. Reporting - rules.** (1) UPON DISCOVERING AN
32 ILLEGAL DRUG LABORATORY THAT MANUFACTURED METHAMPHETAMINE
33 ON A RESIDENTIAL REAL PROPERTY, AS DEFINED IN SECTION 38-35.7-103
34 (5), A LAW ENFORCEMENT AGENCY AND A CERTIFIED INDUSTRIAL
35 HYGIENIST SHALL NOTIFY THE DEPARTMENT OF THE FACT. THE NOTICE
36 MUST INCLUDE THE PROPERTY'S ADDRESS, THE NAME OF THE PROPERTY
37 OWNER, AND ANY OTHER INFORMATION REQUIRED BY RULE ADOPTED

1 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

2 (2) THE BOARD MAY ADOPT RULES AS NECESSARY TO SPECIFY ANY
3 ADDITIONAL INFORMATION THAT MUST BE INCLUDED IN THE NOTICE
4 REQUIRED BY SUBSECTION (1) OF THIS SECTION.

5 **SECTION 4.** In Colorado Revised Statutes, 38-12-505, **amend**
6 (1)(b)(XI) and (1)(b)(XII); and **add** (1)(b)(XIII) as follows:

7 **38-12-505. Uninhabitable residential premises.** (1) A
8 residential premises is deemed uninhabitable if:

9 (b) It substantially lacks any of the following characteristics:

10 (XI) Locks on all exterior doors and locks or security devices on
11 windows designed to be opened that are maintained in good working
12 order; ~~or~~

13 (XII) Compliance with all applicable building, housing, and health
14 codes, the violation of which would constitute a condition that materially
15 interferes with the life, health, or safety of the tenant; OR

16 (XIII) REMEDIATION IN COMPLIANCE WITH ARTICLE 18.5 OF TITLE
17 25 IF THE RESIDENTIAL PREMISES WAS USED AS AN ILLEGAL DRUG
18 LABORATORY, AS DEFINED IN SECTION 25-18.5-101 (8), THAT
19 MANUFACTURED METHAMPHETAMINE.

20 **SECTION 5.** In Colorado Revised Statutes, 38-35.7-103, **amend**
21 (4) and (5) as follows:

22 **38-35.7-103. Disclosure - methamphetamine laboratory.** (4) If
23 the seller becomes aware that the property was an illegal
24 METHAMPHETAMINE drug laboratory, ~~and~~ remediates the property in
25 accordance with the standards established ~~by~~ PURSUANT TO section
26 25-18.5-102, ~~C.R.S.~~, and receives certificates of compliance under
27 section 25-18.5-102 (1)(e), ~~C.R.S.~~, then:

28 (a) The seller ~~shall not be~~ IS NOT required to disclose that the
29 property was used as a ~~methamphetamine~~ AN ILLEGAL
30 METHAMPHETAMINE DRUG laboratory to a buyer; and

31 (b) FIVE YEARS AFTER THE LATER DATE ON THE CERTIFICATES OF
32 COMPLIANCE ISSUED PURSUANT TO SECTION 25-18.5-102 (1)(e), the
33 property is no longer ~~eligible for inclusion in any government-sponsored~~
34 ~~informational service~~ INCLUDED IN THE DATABASE listing properties that
35 have been used ~~for the production of~~ AS AN ILLEGAL methamphetamine
36 DRUG LABORATORY IN ACCORDANCE WITH SECTION 25-18.5-106 (2).

37 (5) For purposes of this section, "residential real property" OR
38 "PROPERTY" includes a manufactured home; mobile home; condominium;
39 townhome; home sold by the owner, a financial institution, or the federal
40 department of housing and urban development; rental property, including
41 an apartment; and short-term residence such as a motel or hotel.

42 **SECTION 6. Act subject to petition - effective date -**
43 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

1 the expiration of the ninety-day period after final adjournment of the
2 general assembly; except that, if a referendum petition is filed pursuant
3 to section 1 (3) of article V of the state constitution against this act or an
4 item, section, or part of this act within such period, then the act, item,
5 section, or part will not take effect unless approved by the people at the
6 general election to be held in November 2024 and, in such case, will take
7 effect on the date of the official declaration of the vote thereon by the
8 governor.
9 (2) This act applies to residential properties on which an illegal
10 methamphetamine drug laboratory has been discovered on or after the
11 applicable effective date of this act."

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