

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 21, 2023
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB23-148 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

1 REAL PROPERTY FROM THE DATABASE FIVE YEARS AFTER THE LATER DATE
2 ON THE CERTIFICATES OF COMPLIANCE ISSUED BY A CONTRACTOR AND A
3 CONSULTANT IN ACCORDANCE WITH SECTION 25-18.5-102 (1)(e).

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

6 **25-18.5-110. Reporting - rules.** (1) UPON DISCOVERING AN
7 ILLEGAL DRUG LABORATORY THAT MANUFACTURED METHAMPHETAMINE
8 ON A RESIDENTIAL REAL PROPERTY, AS DEFINED IN SECTION 38-35.7-103
9 (5), A LAW ENFORCEMENT AGENCY AND A CERTIFIED INDUSTRIAL
10 HYGIENIST SHALL NOTIFY THE DEPARTMENT OF THE FACT. THE NOTICE
11 MUST INCLUDE THE PROPERTY'S ADDRESS, THE NAME OF THE PROPERTY
12 OWNER, AND ANY OTHER INFORMATION REQUIRED BY RULE ADOPTED
13 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

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

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

19 **38-12-505. Uninhabitable residential premises.** (1) A
20 residential premises is deemed uninhabitable if:

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

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

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

28 (XIII) REMEDIATION IN COMPLIANCE WITH ARTICLE 18.5 OF TITLE
29 25 IF THE RESIDENTIAL PREMISES WAS USED AS AN ILLEGAL DRUG
30 LABORATORY, AS DEFINED IN SECTION 25-18.5-101 (8), THAT
31 MANUFACTURED METHAMPHETAMINE.

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

34 **38-35.7-103. Disclosure - methamphetamine laboratory.** (4) If
35 the seller becomes aware that the property was an illegal
36 METHAMPHETAMINE drug laboratory, **and** remediates the property in
37 accordance with the standards established ~~by~~ PURSUANT TO section
38 25-18.5-102, ~~C.R.S.~~, and receives certificates of compliance under
39 section 25-18.5-102 (1)(e), ~~C.R.S.~~, then:

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

43 (b) FIVE YEARS AFTER THE LATER DATE ON THE CERTIFICATES OF

1 COMPLIANCE ISSUED PURSUANT TO SECTION 25-18.5-102 (1)(e), the
2 property is no longer eligible for inclusion in any government-sponsored
3 ~~informational service~~ INCLUDED IN THE DATABASE listing properties that
4 have been used for the production of AS AN ILLEGAL methamphetamine
5 DRUG LABORATORY IN ACCORDANCE WITH SECTION 25-18.5-106 (2).

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

11 **SECTION 6. Appropriation.** For the 2023-24 state fiscal year,
12 \$106,798 is appropriated to the department of public health and
13 environment for use by the hazardous materials and waste management
14 division. This appropriation is from the general fund and is based on an
15 assumption that the division will require an additional 1.4 FTE. To
16 implement this act, the division may use this appropriation for program
17 costs.

18 **SECTION 7. 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; except that, if a referendum petition is filed pursuant
22 to section 1 (3) of article V of the state constitution against this act or an
23 item, section, or part of this act within such period, then the act, item,
24 section, or part will not take effect unless approved by the people at the
25 general election to be held in November 2024 and, in such case, will take
26 effect on the date of the official declaration of the vote thereon by the
27 governor.

28 (2) This act applies to residential properties on which an illegal
29 methamphetamine drug laboratory has been discovered on or after the
30 applicable effective date of this act."

31 Page 1 of the bill, line 101, strike "DRUGS." and substitute "DRUGS, AND,
32 IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."

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