

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0707.01 Bob Lackner

SENATE BILL 08-084

SENATE SPONSORSHIP

Hagedorn,

HOUSE SPONSORSHIP

Carroll M.,

Senate Committees
Health and Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS GOVERNING THE DEVELOPMENT OF**
102 **LAND CONSTITUTING THE SITE OF THE FORMER LOWRY**
103 **BOMBING AND GUNNERY RANGE.**

Bill Summary

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

Prohibits any development of land located in Arapahoe county constituting all or any portion of the site of the former Lowry bombing and gunnery range (Lowry site) until either all environmental remedial decisions governing the site are complied with or the state receives moneys from the federal government or any other responsible parties in an amount sufficient to pay for the costs of complying with all such

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.

remedial decisions.

Requires every contract for the purchase and sale of residential real property that is located on the Lowry site to contain a disclosure statement in bold-faced type that is clearly legible and that substantially provides notice that the property is located in a formerly used defense site that may contain unexploded ordnance and that the quality of potable water for the real estate may be unreliable.

Specifies that the obligation to provide the disclosure set forth in the act is on the seller and, in the event of the failure by the seller to provide the written disclosure required by the act, the purchaser shall have a claim for relief against the seller for all damages to the purchaser resulting from the failure plus court costs.

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

2 **SECTION 1.** 36-1-120.5, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **36-1-120.5. Land subject to development - leases.** (7) NO LAND
5 LOCATED IN ARAPAHOE COUNTY THAT CONSTITUTES ALL OR ANY PORTION
6 OF THE SITE OF THE FORMER LOWRY BOMBING AND GUNNERY RANGE
7 SHALL BE SUBJECT TO DEVELOPMENT UNTIL EITHER ALL REMEDIAL
8 DECISIONS, AS DEFINED IN SECTION 25-15-101 (13.5), C.R.S., GOVERNING
9 THE SITE ARE COMPLIED WITH OR THE STATE RECEIVES MONEYS FROM THE
10 FEDERAL GOVERNMENT OR ANY OTHER RESPONSIBLE PARTIES IN AN
11 AMOUNT SUFFICIENT TO PAY FOR THE COSTS OF COMPLYING WITH ALL
12 SUCH REMEDIAL DECISIONS.

13 **SECTION 2.** Article 35.7 of title 38, Colorado Revised Statutes,
14 is amended BY THE ADDITION OF A NEW SECTION to read:

15 **38-35.7-105. Disclosure of former Lowry bombing and**
16 **gunnery site as formerly used defense site.** (1) EVERY CONTRACT FOR
17 THE PURCHASE AND SALE OF RESIDENTIAL REAL PROPERTY THAT IS
18 LOCATED IN ARAPAHOE COUNTY ON THE SITE OF THE FORMER LOWRY
19 BOMBING AND GUNNERY RANGE ENTERED INTO ON OR AFTER JULY 1, 2008,

1 SHALL CONTAIN A DISCLOSURE STATEMENT IN BOLD-FACED TYPE THAT IS
2 CLEARLY LEGIBLE AND IN SUBSTANTIALLY THE FOLLOWING FORM:

3 **"THIS PROPERTY IS LOCATED IN A FORMERLY**
4 **USED DEFENSE SITE THAT MAY CONTAIN**
5 **UNEXPLODED ORDNANCE. THE QUANTITY AND**
6 **QUALITY OF POTABLE WATER FOR THIS REAL**
7 **ESTATE MAY BE UNRELIABLE. YOU MAY WISH**
8 **TO CONTACT YOUR WATER PROVIDER TO**
9 **DETERMINE THE QUANTITY OR QUALITY OF**
10 **THE PROVIDER'S WATER SUPPLY."**

11 (2) THE OBLIGATION TO PROVIDE THE DISCLOSURE SET FORTH IN
12 SUBSECTION (1) OF THIS SECTION SHALL BE UPON THE SELLER, AND, IN THE
13 EVENT OF THE FAILURE BY THE SELLER TO PROVIDE THE WRITTEN
14 DISCLOSURE DESCRIBED IN SAID SUBSECTION (1), THE PURCHASER SHALL
15 HAVE A CLAIM FOR RELIEF AGAINST THE SELLER FOR ALL DAMAGES TO THE
16 PURCHASER RESULTING FROM SUCH FAILURE PLUS COURT COSTS.

17 **SECTION 3. Effective date.** This act shall take effect July 1,
18 2008.

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