

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0203.01 Esther van Mourik x4215

HOUSE BILL 12-1136

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HOUSE SPONSORSHIP

Ramirez,

SENATE SPONSORSHIP

Roberts,

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House Committees  
State, Veterans, & Military Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING A PROHIBITION ON THE USE OF PUBLIC LAND FOR RETAIL  
102 SALES.

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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>.)*

The bill prohibits a public entity from operating, or contracting with a private entity to operate, for public use any truck stop, fueling station, or convenience store on or near public land, state highways, toll roads, or any other similar infrastructure supported by any state revenues. The bill does not prohibit a public entity from maintaining existing

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.*

interstate public rest areas or constructing new interstate public rest areas as allowed by law. The bill also specifies that the prohibition is not retroactive and does not apply to restaurants or service centers related to a golf course or any souvenir shops that are on or near such public land, state highways, toll roads, or such similar infrastructure.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** article 65.2 to  
3 title 24 as follows:

4   **ARTICLE 65.2**

5   **Prohibit Use of Public Land for Retail Sales**

6           **24-65.2-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

8                   (1) "POLITICAL SUBDIVISION" MEANS A GOVERNING SUBDIVISION  
9 OF THE STATE, INCLUDING COUNTIES, MUNICIPALITIES, AND SPECIAL  
10 DISTRICTS.

11                   (2) "PRIVATE ENTITY" MEANS ANY INDIVIDUAL, CORPORATION,  
12 BUSINESS TRUST, ESTATE, TRUST, LIMITED LIABILITY COMPANY,  
13 PARTNERSHIP, ASSOCIATION, OR OTHER LEGAL ENTITY.

14                   (3) "PUBLIC ENTITY" MEANS THE STATE, ANY STATE AGENCY, OR  
15 ANY POLITICAL SUBDIVISION OF THE STATE.

16                   (4) "PUBLIC LAND" MEANS LAND OWNED BY A STATE AGENCY OR  
17 POLITICAL SUBDIVISION.

18                   (5) "STATE AGENCY" MEANS ANY DEPARTMENT, COMMISSION,  
19 COUNCIL, BOARD, BUREAU, COMMITTEE, INSTITUTION OF HIGHER  
20 EDUCATION, AGENCY, OR OTHER GOVERNMENTAL UNIT OF THE EXECUTIVE,  
21 LEGISLATIVE, OR JUDICIAL BRANCH OF STATE GOVERNMENT.

22           **24-65.2-102. Prohibit use of public land for retail**  
23 **sales.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND

1 EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PUBLIC  
2 ENTITY IS PROHIBITED FROM OPERATING, OR CONTRACTING WITH A  
3 PRIVATE ENTITY TO OPERATE, FOR PUBLIC USE ANY TRUCK STOP, FUELING  
4 STATION, OR CONVENIENCE STORE ON OR NEAR PUBLIC LAND, STATE  
5 HIGHWAYS, TOLL ROADS, OR ANY OTHER SIMILAR INFRASTRUCTURE  
6 SUPPORTED BY ANY STATE REVENUES. NOTHING IN THIS ARTICLE SHALL  
7 PROHIBIT A PUBLIC ENTITY FROM MAINTAINING EXISTING INTERSTATE  
8 PUBLIC REST AREAS OR CONSTRUCTING NEW INTERSTATE PUBLIC REST  
9 AREAS AS ALLOWED BY LAW.

10 (2) THE PROHIBITION SET FORTH IN THIS ARTICLE DOES NOT APPLY  
11 TO ANY TRUCK STOP, FUELING STATION, OR CONVENIENCE STORE IN  
12 OPERATION ON OR NEAR PUBLIC LAND, STATE HIGHWAYS, TOLL ROADS, OR  
13 ANY OTHER SIMILAR INFRASTRUCTURE SUPPORTED BY ANY STATE  
14 REVENUES PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

15 **SECTION 2.** In Colorado Revised Statutes, **add** article 20.1 to  
16 title 29 as follows:

17 **ARTICLE 20.1**

18 **Prohibit Use of Public Land for Retail Sales**

19 **29-20.1-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
20 CONTEXT OTHERWISE REQUIRES:

21 (1) "POLITICAL SUBDIVISION" MEANS A GOVERNING SUBDIVISION  
22 OF THE STATE, INCLUDING COUNTIES, MUNICIPALITIES, AND SPECIAL  
23 DISTRICTS.

24 (2) "PRIVATE ENTITY" MEANS ANY INDIVIDUAL, CORPORATION,  
25 BUSINESS TRUST, ESTATE, TRUST, LIMITED LIABILITY COMPANY,  
26 PARTNERSHIP, ASSOCIATION, OR OTHER LEGAL ENTITY.

27 (3) "PUBLIC LAND" MEANS LAND OWNED BY A POLITICAL

1 SUBDIVISION.

2 **29-20.1-102. Prohibit use of public land for retail**

3 **sales.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND  
4 EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, ANY POLITICAL  
5 SUBDIVISION OF THE STATE IS PROHIBITED FROM OPERATING, OR  
6 CONTRACTING WITH A PRIVATE ENTITY TO OPERATE, FOR PUBLIC USE ANY  
7 TRUCK STOP, FUELING STATION, OR CONVENIENCE STORE ON OR NEAR  
8 PUBLIC LAND, STATE HIGHWAYS, TOLL ROADS, OR ANY OTHER SIMILAR  
9 INFRASTRUCTURE SUPPORTED BY ANY STATE REVENUES. NOTHING IN THIS  
10 ARTICLE SHALL PROHIBIT A POLITICAL SUBDIVISION OF THE STATE FROM  
11 MAINTAINING EXISTING INTERSTATE PUBLIC REST AREAS OR  
12 CONSTRUCTING NEW INTERSTATE PUBLIC REST AREAS AS ALLOWED BY  
13 LAW.

14 (2) THE PROHIBITION SET FORTH IN THIS ARTICLE DOES NOT APPLY  
15 TO ANY TRUCK STOP, FUELING STATION, OR CONVENIENCE STORE IN  
16 OPERATION ON OR NEAR PUBLIC LAND, STATE HIGHWAYS, TOLL ROADS, OR  
17 ANY OTHER SIMILAR INFRASTRUCTURE SUPPORTED BY ANY STATE  
18 REVENUES PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

19 **SECTION 3. 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.