

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
4.19.16

DRAFT

LLS NO. 16-1242.01 Esther van Mourik x4215

SENATE BILL

SENATE SPONSORSHIP

Baumgardner,

HOUSE SPONSORSHIP

(None),

**BILL TOPIC:** "DOA Authority To Acquire And Dispose Real Property"

**DEADLINES:** File by: 04/22/16

A BILL FOR AN ACT

101 CONCERNING THE AUTHORITY OF THE COMMISSIONER OF  
102 AGRICULTURE TO ACQUIRE AND DISPOSE OF REAL PROPERTY  
103 USED BY THE DEPARTMENT OF AGRICULTURE.

**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 grants the commissioner of agriculture the authority to acquire real property for the use of the department of agriculture and to sell or dispose of real property used by the department. The bill requires the commissioner to submit a report to the capital development committee outlining specified details about the real property prior to its acquisition

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

or disposition and specifies that the commissioner shall not acquire, sell, or otherwise dispose of any real property without considering the recommendations of the capital development committee.

The bill amends the agriculture management fund to specify that the fund consists of, among other moneys, any moneys realized from the sale or disposition of real property used by the department of agriculture.

---

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

2           **SECTION 1.** In Colorado Revised Statutes, 35-1-104, **add** (5) as  
3 follows:

4           **35-1-104. Functions, powers, and duties.** (5) (a) ON BEHALF OF  
5 THE DEPARTMENT, THE COMMISSIONER IS AUTHORIZED TO ACQUIRE FEE  
6 SIMPLE TITLE, OR ANY LESSER INTEREST THEREIN, TO ANY REAL PROPERTY  
7 FOR PRESENT OR FUTURE USE BY THE DEPARTMENT OR THE STATE. TITLE  
8 TO SUCH REAL PROPERTY MAY BE ACQUIRED BY PURCHASE, DONATION, OR  
9 LEASE-PURCHASE AGREEMENTS, SUBJECT TO SECTION 24-82-801, C.R.S.,  
10 AND FROM FUNDS THAT ARE APPROPRIATED BY THE GENERAL ASSEMBLY.

11           (b) ON BEHALF OF THE STATE, THE COMMISSIONER IS AUTHORIZED  
12 TO SELL OR OTHERWISE DISPOSE OF ANY REAL PROPERTY USED BY THE  
13 DEPARTMENT. THE PROCEEDS OF ANY SALE OR DISPOSITION OF ANY REAL  
14 PROPERTY USED BY THE DEPARTMENT SHALL BE CREDITED TO THE  
15 AGRICULTURE MANAGEMENT FUND CREATED IN SECTION 35-1-106.9.

16           (c) IN THE EVENT THAT THE COMMISSIONER PLANS TO ACQUIRE  
17 ANY REAL PROPERTY BY ANY OF THE MEANS AUTHORIZED BY PARAGRAPH  
18 (a) OF THIS SUBSECTION (5), OR TO SELL OR OTHERWISE DISPOSE OF SUCH  
19 REAL PROPERTY AS AUTHORIZED BY PARAGRAPH (b) OF THIS SUBSECTION  
20 (5), THE COMMISSIONER SHALL FIRST SUBMIT A REPORT TO THE CAPITAL  
21 DEVELOPMENT COMMITTEE THAT OUTLINES THE ANTICIPATED USE OF THE  
22 REAL PROPERTY, THE MAINTENANCE COSTS RELATED TO THE REAL

1 PROPERTY, THE CURRENT VALUE OF THE REAL PROPERTY, ANY CONDITIONS  
2 OR LIMITATIONS THAT MAY RESTRICT THE USE OF THE REAL PROPERTY,  
3 AND, IN THE EVENT REAL PROPERTY IS ACQUIRED, THE POTENTIAL  
4 LIABILITY TO THE STATE THAT MAY RESULT FROM SUCH ACQUISITION. THE  
5 CAPITAL DEVELOPMENT COMMITTEE SHALL REVIEW THE REPORTS  
6 SUBMITTED BY THE COMMISSIONER AND MAKE RECOMMENDATIONS TO THE  
7 COMMISSIONER CONCERNING THE ACQUISITION OR DISPOSITION OF THE  
8 REAL PROPERTY. THE COMMISSIONER SHALL NOT ACQUIRE, SELL, OR  
9 OTHERWISE DISPOSE OF ANY REAL PROPERTY WITHOUT CONSIDERING THE  
10 RECOMMENDATIONS OF THE CAPITAL DEVELOPMENT COMMITTEE.

11 **SECTION 2.** In Colorado Revised Statutes, **amend 35-1-106.9**  
12 as follows:

13 **35-1-106.9. Agriculture management fund - creation.** There is  
14 hereby created in the state treasury the agriculture management fund. The  
15 fund shall consist of moneys transferred pursuant to section 38-13-116.7  
16 (3), C.R.S., and any moneys realized from the sale ~~of the inspection and~~  
17 ~~consumer services division facility~~ OR DISPOSITION OF REAL PROPERTY  
18 USED BY THE DEPARTMENT. The department shall use such moneys to  
19 fund agricultural efforts approved by the commissioner, including, but not  
20 limited to, funding additional department employees necessary to  
21 implement and manage approved programs. Moneys may be used for  
22 direct assistance or grant assistance for conservation districts created  
23 pursuant to article 70 of this title. Moneys in the fund may be used for  
24 expenses related to the department's office consolidation as authorized by  
25 House Bill 13-1234, enacted in 2013, OR AS OTHERWISE APPROPRIATED  
26 OR AUTHORIZED BY LAW. Moneys in the fund are subject to annual  
27 appropriation to the department. Any moneys not expended or

1 encumbered from any appropriation at the end of any fiscal year shall  
2 remain available for expenditure in the next fiscal year without further  
3 appropriation. All interest derived from the deposit and investment of  
4 moneys in the fund shall be credited to the fund and shall not be  
5 transferred or credited to the general fund or any other fund.

6 **SECTION 3. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, and safety.