

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
2.19.16

DRAFT

LLS NO. 16-0933.01 Esther van Mourik x4215

COMMITTEE BILL

Capital Development Committee

BILL TOPIC: "Disposition Of State-owned Real Property"

A BILL FOR AN ACT

101 **CONCERNING THE DISPOSITION OF STATE-OWNED REAL PROPERTY.**

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>.)

Capital Development Committee. When any state agency or state institution of higher education disposes of real property, the bill requires the state agency or state institution of higher education to notify the department of personnel and the state controller of the closing date of such disposition. Upon closing, the bill requires the state controller to credit the proceeds of such disposition to the capital construction fund and to notify the capital development committee of any such moneys credited. The bill requires the capital development committee to make

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

recommendations to the joint budget committee how such moneys credited by the controller should be appropriated; except that the capital development committee is required to give priority to the capital construction, capital renewal, or controlled maintenance needs of the state agency or state institution of higher education that disposed of the real property when prioritizing the use of such moneys.

The bill also grants the capital development committee the power and duty to review all dispositions of real property by a state agency or state institution of higher education, subject to certain conditions.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-82-102, **amend**
3 (1); and **add** (1.5) as follows:

4 **24-82-102. State authorized to acquire property - disposition**
5 **- definitions.** (1) (a) On behalf of the state of Colorado and with the
6 approval of the governor, the executive director of the department of
7 personnel is authorized to acquire fee simple title, or any lesser interest
8 therein, to any real property for present or future use by the state. Title to
9 such property may be acquired by purchase, donation, or lease-purchase
10 agreements or by the exercise of the power of eminent domain through
11 condemnation proceedings in accordance with law from funds
12 appropriated by the general assembly or from funds donated to the state
13 for the purpose. In the event that the executive director plans to acquire
14 any real property by any of the means authorized by this paragraph (a),
15 except for easements or rights-of-way, or to sell or otherwise dispose of
16 such property, the executive director shall first submit a report to the
17 capital development committee which outlines the anticipated use of the
18 real property, the maintenance costs related to the property, the current
19 value of the property, any conditions or limitations which may restrict the
20 use of the property, and, in the event real property is acquired, the

1 potential liability to the state which will result from such acquisition. The
2 capital development committee shall review the reports submitted by the
3 executive director and make recommendations to the executive director
4 concerning the disposition of the real property. The executive director
5 shall not acquire, sell, or otherwise dispose of any real property without
6 considering the recommendations of the capital development committee.

7 (b) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, ON
8 AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED,
9 WHEN ANY STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION
10 DISPOSES OF REAL PROPERTY, THE STATE AGENCY OR STATE INSTITUTION
11 OF HIGHER EDUCATION SHALL NOTIFY THE DEPARTMENT OF PERSONNEL
12 AND THE STATE CONTROLLER OF THE CLOSING DATE OF SUCH DISPOSITION.
13 UPON CLOSING, THE STATE CONTROLLER SHALL CREDIT THE PROCEEDS OF
14 SUCH DISPOSITION TO THE CAPITAL CONSTRUCTION FUND CREATED IN
15 SECTION 24-75-302 AND THE STATE CONTROLLER SHALL NOTIFY THE
16 CAPITAL DEVELOPMENT COMMITTEE OF ANY SUCH MONEYS CREDITED. THE
17 CAPITAL DEVELOPMENT COMMITTEE SHALL MAKE RECOMMENDATIONS TO
18 THE JOINT BUDGET COMMITTEE HOW SUCH MONEYS CREDITED BY THE
19 CONTROLLER SHOULD BE APPROPRIATED; EXCEPT THAT THE CAPITAL
20 DEVELOPMENT COMMITTEE SHALL GIVE PRIORITY TO THE CAPITAL
21 CONSTRUCTION, CAPITAL RENEWAL, OR CONTROLLED MAINTENANCE
22 NEEDS OF THE STATE AGENCY OR STATE INSTITUTION OF HIGHER
23 EDUCATION THAT DISPOSED OF THE REAL PROPERTY WHEN PRIORITIZING
24 THE USE OF SUCH MONEYS.

25 ~~(b)~~ (c) Any lease-purchase agreement that is entered into pursuant
26 to paragraph (a) of this subsection (1) shall comply with the requirements
27 of section 24-82-801.

1 ~~(c) to (e) (Deleted by amendment, L. 2009, (HB 09-1218), ch.~~
2 ~~132, p. 570, § 3, effective July 1, 2009.)~~

3 ~~(f)~~ (1.5) As used in this section, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (a) "CAPITAL CONSTRUCTION" HAS THE SAME MEANING AS SET
6 FORTH IN SECTION 24-30-1301 (2).

7 (b) "CAPITAL RENEWAL" HAS THE SAME MEANING AS SET FORTH IN
8 SECTION 24-30-1301 (3).

9 (c) "CONTROLLED MAINTENANCE" HAS THE SAME MEANING AS SET
10 FORTH IN SECTION 24-30-1301 (4).

11 (d) "Lease-purchase agreement" means a capital lease as defined
12 in the generally accepted accounting principles issued by the
13 governmental accounting standards board that the controller prescribes
14 for the state as specified in section 24-30-202 (12).

15 (e) "REAL PROPERTY" HAS THE SAME MEANING AS SET FORTH IN
16 SECTION 24-30-1301 (15).

17 **SECTION 2.** In Colorado Revised Statutes, 2-3-1304, **add** (1) (i)
18 as follows:

19 **2-3-1304. Powers and duties of capital development**
20 **committee.** (1) The capital development committee has the following
21 powers and duties:

22 (i) TO REVIEW ALL DISPOSITIONS OF REAL PROPERTY BY A STATE
23 AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION; EXCEPT THAT, FOR
24 ANY STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION THAT
25 HAS STATUTORY AUTHORITY AS OF THE EFFECTIVE DATE OF THIS
26 PARAGRAPH (i) TO DISPOSE OF REAL PROPERTY AND SUCH STATUTORY
27 AUTHORITY SPECIFIES A PROCESS WHEREBY THE CAPITAL DEVELOPMENT

1 COMMITTEE EITHER REVIEWS, REVIEWS AND APPROVES, OR APPROVES
2 SUCH A DISPOSITION, THEN SUCH STATUTORY AUTHORITY CONTROLS. IF A
3 STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION HAS
4 STATUTORY AUTHORITY AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH
5 (i) TO DISPOSE OF REAL PROPERTY AND SUCH STATUTORY AUTHORITY
6 DOES NOT INCLUDE A PROCESS WHEREBY THE CAPITAL DEVELOPMENT
7 COMMITTEE EITHER REVIEWS, REVIEWS AND APPROVES, OR APPROVES
8 SUCH DISPOSITION, THEN THIS PARAGRAPH (i) CONTROLS.

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