

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0281.01 Esther van Mourik x4215

HOUSE BILL 20-1067

HOUSE SPONSORSHIP

Roberts and Will, Beckman, Valdez A.

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House Committees

Rural Affairs & Agriculture

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE MANAGEMENT OF REAL ESTATE HELD BY CERTAIN
102 JUNIOR COLLEGE DISTRICTS.

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://leg.colorado.gov/>.)

Capital Development Committee. Current law includes ambiguities regarding the existence and powers of the Moffat County Affiliated Junior College District (MCAJCD) and the Rangely Junior College District (RJCD). The statutes do not allow the ownership or transfer of certain real estate held by the MCAJCD and the RJCD. Prior statutes that granted the MCAJCD and the RJCD broad authority,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

including the authority to own and convey real estate, were inadvertently repealed in 2009.

The bill allows the MCAJCD to hold and sell its current real estate holdings, provided:

! The sale is for fair market value as determined by an independent appraiser; and

! The proceeds are used for the benefit of the Colorado Northwestern Community College (CNCC).

The bill authorizes the transfer of the Rangely and Craig campuses of CNCC to the state board for community colleges and occupational education consistent with the original plan and statutory authority of the RJCD and the MCAJCD prior to the inadvertent repeal of statutes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-71-207, **amend**
3 (3)(a) introductory portion, (3)(a)(I), (3)(a)(III)(C), (3)(a)(V), (3)(a)(VI),
4 (3)(a)(VII), (4)(a)(I) introductory portion, (4)(a)(I)(C), (4)(a)(II),
5 (4)(a)(III), (4)(a)(IV), and (5)(c); **repeal** (4)(a)(V) and (4)(b); and **add**
6 (3)(a)(VIII), (3)(a)(IX), (4)(a)(VI), (4)(a)(VII), and (4)(a)(VIII) as
7 follows:

8 **23-71-207. Colorado Northwestern community college -**
9 **approval of plan - date of entry into system - continuation of mill**
10 **levy.** (3) (a) ~~If the plan is approved as specified in paragraph (a) of~~
11 ~~subsection (2) of this section and if moneys are appropriated as provided~~
12 ~~in subsection (1) of this section~~ IN THE 1998 GENERAL ELECTION, VOTERS
13 OF THE RANGELY JUNIOR COLLEGE DISTRICT APPROVED A PLAN FOR
14 COLORADO NORTHWESTERN COMMUNITY COLLEGE TO JOIN THE STATE
15 SYSTEM FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, THE
16 COLLECTION OF UP TO FIVE MILLS OF PROPERTY TAXES, AND THE
17 INDEFINITE CONTINUATION OF RANGELY JUNIOR COLLEGE DISTRICT WITH
18 THE FOLLOWING AUTHORITY:

19 (I) The Rangely junior college district ~~shall remain~~ REMAINS in

1 existence BUT NOT AS A LOCAL COLLEGE DISTRICT UNDER THIS ARTICLE
2 71;

3 (III) The Rangely junior college district shall use the revenues
4 collected pursuant to this subsection (3), other than those collected for
5 outstanding general obligation bonds previously approved, to:

6 (C) Erect new or renovate existing facilities FOR COLORADO
7 NORTHWESTERN COMMUNITY COLLEGE; and

8 (V) Notwithstanding ~~the provisions of~~ section 23-71-122, the
9 Rangely junior college district board of trustees ~~shall have~~ HAS only the
10 powers necessary to levy taxes and distribute the revenues generated
11 therefrom in accordance with the purposes listed in ~~subparagraph (H) of~~
12 ~~this paragraph (a)~~ SUBSECTION (3)(a)(III) OF THIS SECTION and the powers
13 enumerated in section 23-71-122 (1)(b), ~~(1)(d)~~, (1)(h), (1)(k), (1)(m),
14 (1)(n), and (1)(q);

15 (VI) The Rangely junior college district board of trustees shall
16 ~~have no~~ NOT HAVE employees; and

17 (VII) Notwithstanding ~~the provisions of~~ section 23-71-123, the
18 Rangely junior college district board of trustees ~~shall have~~ HAS only the
19 duty to prepare and adopt a budget pursuant to part 1 of article 44 of title
20 ~~C.R.S.~~; and any additional duties enumerated in the plan;

21 (VIII) THE RANGELY JUNIOR COLLEGE DISTRICT BOARD OF
22 TRUSTEES IS AUTHORIZED TO EXECUTE ANY INSTRUMENT NECESSARY TO
23 CONVEY TITLE FOR THE RANGELY CAMPUS OF COLORADO NORTHWESTERN
24 COMMUNITY COLLEGE TO THE BOARD; AND

25 (IX) THE RANGELY JUNIOR COLLEGE DISTRICT BOARD OF
26 TRUSTEES CONTINUES TO CONSIST OF FIVE MEMBERS ELECTED BY VOTERS
27 IN THE RANGELY JUNIOR COLLEGE DISTRICT WHO SERVE FOUR-YEAR

1 STAGGERED TERMS, WITH A LIMIT OF TWO CONSECUTIVE TERMS. THE
2 BOARD IS SUBJECT TO THE REQUIREMENTS OF THE "COLORADO OPEN
3 RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, AND THE OPEN
4 MEETINGS LAW, PART 4 OF ARTICLE 6 OF TITLE 24.

5 (4) (a) (I) ~~If the plan is approved and moneys are appropriated~~
6 ~~therefor as provided in subsection (1) of this section and if the voters of~~
7 ~~the Moffat county affiliated junior college district approve the ballot~~
8 ~~measure set forth in subparagraph (H) of paragraph (b) of subsection (1)~~
9 ~~of this section, the Moffat county affiliated junior college district shall~~
10 ~~remain in existence until January 1, 2009, on which date the Moffat~~
11 ~~county affiliated junior college district shall dissolve pursuant to~~
12 ~~subparagraph (V) of this paragraph (a). Prior to said date, the Moffat~~
13 ~~county affiliated junior college district, shall continue to collect property~~
14 ~~tax for a period not to exceed ten years in the initial amount of three mills~~
15 IN THE 1998 GENERAL ELECTION, VOTERS OF THE MOFFAT COUNTY
16 AFFILIATED JUNIOR COLLEGE DISTRICT APPROVED A PLAN FOR COLORADO
17 NORTHWESTERN COMMUNITY COLLEGE TO JOIN THE STATE SYSTEM FOR
18 COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, THE COLLECTION
19 OF UP TO THREE MILLS OF PROPERTY TAXES THROUGH THE 2008 PROPERTY
20 TAX YEAR, AND THE DISSOLUTION OF THE MOFFAT COUNTY AFFILIATED
21 JUNIOR COLLEGE DISTRICT ON JANUARY 1, 2009. IN THE 2006 GENERAL
22 ELECTION, PURSUANT TO SUBSECTION (5) OF THIS SECTION, VOTERS OF THE
23 MOFFAT COUNTY AFFILIATED JUNIOR COLLEGE DISTRICT APPROVED THE
24 COLLECTION OF UP TO THREE MILLS OF PROPERTY TAXES AND THE
25 INDEFINITE CONTINUATION OF THE MOFFAT COUNTY AFFILIATED JUNIOR
26 COLLEGE DISTRICT. The Moffat county affiliated junior college district
27 shall use the tax ~~moneys~~ MONEY collected pursuant to this subparagraph

1 ~~(F)~~ SUBSECTION (4)(a)(I) to:

2 (C) Erect new or renovate existing facilities FOR COLORADO
3 NORTHWESTERN COMMUNITY COLLEGE;

4 (II) ~~Notwithstanding the provisions of section 23-72-121,~~ The
5 Moffat county affiliated junior college district ~~board of control shall have~~
6 IS NOT A LOCAL COLLEGE DISTRICT UNDER THIS ARTICLE 71 AND THE
7 MOFFAT COUNTY AFFILIATED JUNIOR COLLEGE DISTRICT BOARD HAS only
8 the powers necessary to levy taxes and distribute the revenues generated
9 therefrom in accordance with the purposes listed in ~~subparagraph (f) of~~
10 ~~this paragraph (a) and the powers enumerated in section 23-72-121 (2)(b),~~
11 ~~(2)(c), (2)(g), and (2)(k)~~ SUBSECTION (4)(a)(I) OF THIS SECTION.

12 (III) The Moffat county affiliated junior college district board ~~of~~
13 ~~control shall have no~~ NOT HAVE employees.

14 (IV) All assets and liabilities of the Moffat county affiliated junior
15 college district ~~shall be~~ ARE transferred to the board except the revenues
16 generated pursuant to ~~subparagraph (f) of this paragraph (a) and except~~
17 ~~for~~ SUBSECTION (4)(a)(I) OF THIS SECTION, those assets specified in the
18 plan, AND REVENUES GENERATED FROM CERTAIN REAL ESTATE OWNED BY
19 THE MOFFAT COUNTY AFFILIATED JUNIOR COLLEGE DISTRICT AS OF
20 JANUARY 1, 2019.

21 (V) ~~The Moffat county affiliated junior college district shall~~
22 ~~dissolve, as provided in section 23-72-120, on January 1, 2009. Upon~~
23 ~~dissolution of the Moffat county affiliated junior college district, all assets~~
24 ~~held by the district as of the date of the dissolution shall be transferred to~~
25 ~~the board.~~

26 (VI) THE MOFFAT COUNTY AFFILIATED JUNIOR COLLEGE DISTRICT
27 BOARD HAD THE AUTHORITY TO CONVEY A CERTAIN PARCEL OF LAND TO

1 THE BOARD FOR THE CRAIG CAMPUS ON JANUARY 11, 2010, AND HAS THE
2 AUTHORITY TO EXECUTE ANY INSTRUMENT NECESSARY TO QUIET TITLE TO
3 THAT PARCEL.

4 (VII) THE MOFFAT COUNTY AFFILIATED JUNIOR COLLEGE DISTRICT
5 BOARD HAS THE AUTHORITY TO HOLD AND SELL LAND IN ITS OWNERSHIP
6 AS OF JANUARY 1, 2009, SO LONG AS THE SALE OF ANY LAND SATISFIES
7 THE FOLLOWING REQUIREMENTS:

8 (A) THE SALE IS FOR AT LEAST A FAIR MARKET VALUE AS
9 DETERMINED BY AN INDEPENDENT APPRAISER; AND

10 (B) PROCEEDS FROM THE SALE ARE USED IN ACCORDANCE WITH
11 SUBSECTION (4)(a)(I) OF THIS SECTION.

12 (VIII) THE MOFFAT COUNTY AFFILIATED JUNIOR COLLEGE
13 DISTRICT BOARD CONTINUES TO CONSIST OF FIVE MEMBERS ELECTED BY
14 VOTERS IN THE MOFFAT COUNTY AFFILIATED JUNIOR COLLEGE DISTRICT
15 WHO SERVE FOUR-YEAR STAGGERED TERMS, WITH A LIMIT OF TWO
16 CONSECUTIVE TERMS. THE BOARD IS SUBJECT TO THE REQUIREMENTS OF
17 THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE
18 24, AND THE OPEN MEETINGS LAW, PART 4 OF ARTICLE 6 OF TITLE 24.

19 ~~(b) If the plan for Colorado Northwestern community college to~~
20 ~~join the state system of community and technical colleges is approved and~~
21 ~~moneys are appropriated therefor as provided in subsection (1) of this~~
22 ~~section but the voters of the Moffat county affiliated junior college~~
23 ~~district do not approve the ballot measure set forth in subparagraph (H)~~
24 ~~of paragraph (b) of subsection (1) of this section, the Moffat county~~
25 ~~affiliated junior college district shall select and adopt, within one year~~
26 ~~after such election, one of the following options concerning its~~
27 ~~governance and shall submit the selected option for approval by the~~

1 board, the Colorado commission on higher education, and the voters of
2 the Moffat county affiliated junior college district:

3 ~~(I) The Moffat county affiliated junior college district shall~~
4 ~~dissolve pursuant to the provisions of section 23-72-120;~~

5 ~~(II) The Moffat county affiliated junior college district shall~~
6 ~~affiliate with another local district college or state college with the~~
7 ~~consent of the parent institution; or~~

8 ~~(III) Notwithstanding the provisions of section 23-71-103, the~~
9 ~~Moffat county affiliated junior college district shall form a local college~~
10 ~~district, with the consent of the board and the Colorado commission on~~
11 ~~higher education.~~

12 (5) (c) If a majority of voters of the Moffat county affiliated junior
13 college district approve the measure set forth in paragraph (a) of this
14 subsection (5) SUBSECTION (5)(a) OF THIS SECTION, then, notwithstanding
15 the provisions of subparagraphs (I) and (V) of paragraph (a) of subsection
16 (4) SUBSECTION (4)(a)(I) of this section, the Moffat county affiliated
17 junior college district shall not dissolve on January 1, 2009, but shall
18 continue to exist and shall continue to collect property tax in the initial
19 amount of three mills. The Moffat county affiliated junior college district
20 shall use the property tax moneys MONEY collected pursuant to this
21 paragraph (c) SUBSECTION (5)(c) as provided in sub-subparagraphs (A) to
22 (E) of subparagraph (I) of paragraph (a) of subsection (4) SUBSECTIONS
23 (4)(a)(I)(A) TO (4)(a)(I)(E) of this section.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2020 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.