

CHAPTER 47

EDUCATION - POSTSECONDARY

HOUSE BILL 20-1067

BY REPRESENTATIVE(S) Roberts and Will, Valdez A., Arndt, Bird, Buckner, Buentello, Catlin, Exum, Gray, Holtorf, McKean, Pelton, Rich;
also SENATOR(S) Story and Fields, Sonnenberg, Tate, Todd.

AN ACT**CONCERNING THE MANAGEMENT OF REAL ESTATE HELD BY CERTAIN JUNIOR COLLEGE DISTRICTS.**

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

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

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

(I) The Rangely junior college district ~~shall remain~~ REMAINS in existence BUT NOT AS A LOCAL COLLEGE DISTRICT UNDER THIS ARTICLE 71;

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

(VII) Notwithstanding ~~the provisions of~~ section 23-71-123, the Rangely junior college district board of trustees ~~shall have~~ HAS only the duty to prepare and adopt a budget pursuant to part 1 of article 44 of title 22 C.R.S.; and any additional duties enumerated in the plan;

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

(IX) THE RANGELY JUNIOR COLLEGE DISTRICT BOARD OF TRUSTEES CONTINUES TO CONSIST OF FIVE MEMBERS ELECTED BY VOTERS IN THE RANGELY JUNIOR COLLEGE DISTRICT WHO SERVE FOUR-YEAR STAGGERED TERMS, WITH A LIMIT OF TWO CONSECUTIVE TERMS. THE BOARD IS SUBJECT TO THE REQUIREMENTS OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, AND THE OPEN MEETINGS LAW, PART 4 OF ARTICLE 6 OF TITLE 24.

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

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

~~(II) Notwithstanding the provisions of section 23-72-121, The Moffat county affiliated junior college district board of control shall have~~ IS NOT A LOCAL COLLEGE DISTRICT UNDER THIS ARTICLE 71 AND THE MOFFAT COUNTY AFFILIATED JUNIOR COLLEGE DISTRICT BOARD HAS ONLY THE POWERS NECESSARY TO LEVY TAXES AND DISTRIBUTE THE REVENUES GENERATED THEREFROM IN ACCORDANCE WITH THE PURPOSES LISTED IN ~~subparagraph (f) of this paragraph (a) and the powers enumerated in section 23-72-121 (2)(b), (2)(c), (2)(g), and (2)(k)~~ SUBSECTION (4)(a)(I) OF THIS SECTION.

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

~~(IV) All assets and liabilities of the Moffat county affiliated junior college district shall be~~ ARE TRANSFERRED TO THE BOARD EXCEPT THE REVENUES GENERATED PURSUANT TO ~~subparagraph (f) of this paragraph (a) and except for~~ SUBSECTION (4)(a)(I) OF THIS SECTION, THOSE ASSETS SPECIFIED IN THE PLAN, AND REVENUES GENERATED FROM CERTAIN REAL ESTATE OWNED BY THE MOFFAT COUNTY AFFILIATED JUNIOR COLLEGE DISTRICT AS OF JANUARY 1, 2019.

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

(VI) THE MOFFAT COUNTY AFFILIATED JUNIOR COLLEGE DISTRICT BOARD HAD THE AUTHORITY TO CONVEY A CERTAIN PARCEL OF LAND TO THE BOARD FOR THE CRAIG CAMPUS ON JANUARY 11, 2010, AND HAS THE AUTHORITY TO EXECUTE ANY INSTRUMENT NECESSARY TO QUIET TITLE TO THAT PARCEL.

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

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

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

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

~~(b) If the plan for Colorado Northwestern community college to join the state system of community and technical colleges is approved and moneys are appropriated therefor as provided in subsection (1) of this section but the voters of~~

the Moffat county affiliated junior college district do not approve the ballot measure set forth in subparagraph (II) of paragraph (b) of subsection (1) of this section, the Moffat county affiliated junior college district shall select and adopt, within one year after such election, one of the following options concerning its governance and shall submit the selected option for approval by the board, the Colorado commission on higher education, and the voters of the Moffat county affiliated junior college district:

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

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

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

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

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 20, 2020