

CHAPTER 274

MILITARY AND VETERANS

SENATE BILL 94-195

BY SENATORS Wham, Ament, and Johnson;
also REPRESENTATIVES Chlouber, Reeves, and Tucker.

AN ACT**CONCERNING TRANSFERS OF PROPERTY ACQUIRED FOR MILITARY PURPOSES TO STATE AGENCIES.**

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

SECTION 1. 28-3-106 (1) (s), Colorado Revised Statutes, 1989 Repl. Vol., as amended by House Bill 94-1011, enacted at the Second Regular Session of the Fifty-ninth General Assembly, is amended to read:

28-3-106. Powers and duties of adjutant general. (1) The adjutant general has the following powers and duties:

(s) (I) If, in the judgment of the adjutant general, any real estate which has been acquired for military purposes is unsuitable for military purposes, the adjutant general, by and with the approval of the governor, in writing, has authority to sell, trade, or otherwise dispose of such real estate, but, EXCEPT AS OTHERWISE PROVIDED BY SUBPARAGRAPH (II) OF THIS PARAGRAPH (s), such real estate shall not be disposed of for less than its appraised value. The appraised value of such real estate shall be determined by an appraiser who is registered, licensed, or certificated pursuant to part 7 of article 61 of title 12, C.R.S., and who is selected by the governor from a list of three qualified individuals submitted to the governor by the department. If the governor does not select an appraiser within thirty days after the list is submitted, the department is authorized to select an appraiser from the list. Appraisers shall be selected for the list, and their fees shall be negotiated in accordance with the standards established by part 14 of article 30 of title 24, C.R.S. The adjutant general, by and with the advice and approval of the governor, is authorized to lease any property belonging to the department of military affairs when it is not needed for the immediate use of the department. All conveyances which are required for the purpose of this section shall be executed by the governor under the seal of the state, and the

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

proceeds of all sales, trades, or other disposition shall be placed in an account to be invested by the state treasurer as provided in section 24-36-113, C.R.S. Any interest earned on the investment or deposit of such proceeds shall remain in such account and shall not be credited to the general fund or any other fund of the state. Said proceeds and any interest thereon shall be disbursed by authority of the adjutant general, subject to appropriation by the general assembly, only for the acquisition, construction, repair, and improvements of armories throughout the state. Prior to disposing of any real property pursuant to the provisions of this paragraph (s), the adjutant general shall submit a report to the capital development committee which describes such real property, the maintenance costs related to such real property, the current value of such real property, any conditions or limitations which may restrict the use of such real property, and the terms of the proposed disposition of such real property. The capital development committee shall review any such report which is submitted to the capital development committee and shall provide recommendations to the adjutant general concerning the proposed real property disposition within thirty days after the date of receipt of such report. The adjutant general shall not complete any such real property disposition without considering any recommendations of the capital development committee which are provided within such thirty-day period.

(II) THE ADJUTANT GENERAL MAY DISPOSE OF REAL ESTATE ACQUIRED BUT UNSUITABLE FOR MILITARY PURPOSES FOR LESS THAN ITS APPRAISED VALUE WHEN THE DISPOSITION IS TO AN AGENCY OF STATE GOVERNMENT. THE ADJUTANT GENERAL SHALL NOT BE REQUIRED TO HAVE AN APPRAISAL PERFORMED IN ORDER TO COMPLETE SUCH DISPOSITION. IN THE EVENT AN OFFER HAS BEEN MADE TO PURCHASE SUCH REAL ESTATE FOR MORE THAN ITS APPRAISED VALUE, PRIOR TO ANY DISPOSITION THE ADJUTANT GENERAL SHALL GIVE DUE CONSIDERATION TO THE TERMS OF THE OFFER AND TO ANY COST SAVINGS TO THE STATE WHICH WOULD RESULT FROM A TRANSFER OF SUCH REAL ESTATE TO A STATE AGENCY.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 1994