

CHAPTER 197

GOVERNMENT - STATE

HOUSE BILL 16-1456

BY REPRESENTATIVE(S) Lontine, Rosenthal, Ryden, Brown, Carver, Danielson, Duran, Fields, Ginal, Hamner, Klingenschmitt, Lebsock, Melton, Moreno, Pabon, Pettersen, Roupe, Saine, Vigil, Williams, Young, Hullinghorst;
also SENATOR(S) Crowder, Aguilar, Baumgardner, Cooke, Donovan, Grantham, Guzman, Heath, Hodge, Holbert, Jahn, Jones, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Scott, Steadman, Tate, Todd, Woods, Cadman.

AN ACT

CONCERNING THE SALE OF A PORTION OF LAND AT THE COLORADO MENTAL HEALTH INSTITUTE AT FORT LOGAN TO THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS FOR THE EXPANSION OF FORT LOGAN NATIONAL CEMETERY.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) After World War II, a portion of the land at Fort Logan was set aside for the Fort Logan National Cemetery and the rest was donated by the federal government to the state board of land commissioners to establish a state hospital;

(b) The Fort Logan National Cemetery was named after Union General John A. Logan, Commander of United States Volunteer forces during the American Civil War. The cemetery is made up of 214 acres and as of 2014 has over 122,000 interments. The Fort Logan National Cemetery features a memorial pathway lined with a variety of memorials that honor America's veterans from various organizations. There are 17 memorials at Fort Logan National Cemetery, most commemorating soldiers of various 20th-century wars.

(c) The state has historically used its donated land as a mental health center, the first patients of which were admitted in 1961. The state board of land commissioners deeded 308 acres of the donated land to what is now known as the Colorado department of human services for \$10. That deed specified that if any part of the 308 acres cease to be used for the purposes of the mental health center, then

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

the lands revert to the state board of land commissioners.

(d) In 1991, the center was renamed to the Colorado Mental Health Institute at Fort Logan, which is operated by the Colorado department of human services;

(e) Some of the land adjacent to the Colorado Mental Health Institute at Fort Logan is vacant and discussions of a possible sale of a portion of vacant land to the United States Department of Veterans Affairs for purposes of expanding the Fort Logan National Cemetery have been occurring for a number of years;

(f) With the completion of two minor construction projects in mid 2017 that will develop the last remaining undeveloped interment sections at Fort Logan National Cemetery, the United States Department of Veterans Affairs will deplete all available grave sites for new interments in mid to late 2027. The United States Department of Veterans Affairs has already begun a process of identifying a potential tract of land for a new national cemetery for the greater Denver area, but the absolute first choice would be to extend the life at Fort Logan National Cemetery for as long as possible.

(g) It is in the state's interest to authorize the sale of a portion of land at the Colorado Mental Health Institute at Fort Logan because the Fort Logan National Cemetery is a national shrine that is part of Denver history and is a very important aspect of recognizing the service and sacrifice of our veterans who have chosen to live in the greater Denver area.

SECTION 2. Authority for sale. The state of Colorado, acting by and through the department of human services, is authorized to execute a land sale, at fair market value, for up to fifteen acres of vacant land around the Colorado Mental Health Institute at Fort Logan to the United States Department of Veterans Affairs for the purpose of expanding the Fort Logan National Cemetery. In the event a reversion is triggered by operation of the 1962 deed of real property from the state board of land commissioners to what is now known as the department of human services, the state board of land commissioners is authorized and encouraged to transfer all its interests in such land around the Colorado Mental Health Institute at Fort Logan to the department of human services prior to the sale of such property. If the state board of land commissioners does not transfer all its interests in such land to the department of human services, then the department of human services shall continue to use the land and shall not sell it. The proceeds of the sale to the United States Department of Veterans Affairs must be credited as specified in section 26-12-108 (4), Colorado Revised Statutes.

SECTION 3. In Colorado Revised Statutes, 26-12-108, **add** (4) as follows:

26-12-108. Payments for care - funds - annual report - collections for charges - central fund for veterans centers created - repeal. (4)(a) IF THE STATE DEPARTMENT SELLS A PORTION OF VACANT LAND TO THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS FOR EXPANSION OF THE FORT LOGAN NATIONAL CEMETERY AS AUTHORIZED IN HOUSE BILL 16-1456, ENACTED IN 2016, THE STATE TREASURER SHALL CREDIT THE SALE PROCEEDS OF SUCH SALE TO THE FORT LOGAN NATIONAL CEMETERY FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SUBSECTION (4) AS THE "CEMETERY FUND". IN THE FISCAL YEAR IN WHICH THE

PROPERTY SALE TAKES PLACE, AND IN EACH FISCAL YEAR THEREAFTER UNTIL ALL SALE PROCEEDS ARE APPROPRIATED AS SPECIFIED IN THIS PARAGRAPH (a), THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE CEMETERY FUND TO THE CENTRAL FUND IN SUCH AMOUNTS SO THAT THE APPROPRIATION FROM THE CEMETERY FUND REQUIRED IN THIS SUBSECTION (4) AND THE APPROPRIATION FROM THE GENERAL FUND REQUIRED IN PARAGRAPH (a.5) OF SUBSECTION (1) OF THIS SECTION EQUALS THE MAXIMUM AMOUNT THAT WOULD NOT EXCEED THE LIMIT FOR AN ENTERPRISE SET FORTH IN SECTION 24-77-102 (3) (b), C.R.S.

(b) THE MONEYS TRANSFERRED TO THE CENTRAL FUND PURSUANT TO THIS SUBSECTION (4) MAY BE USED FOR NONRECURRING EXPENDITURES THAT ADDRESS THE GREATEST NEEDS OF SERVING VETERANS. AT LEAST SIXTY DAYS PRIOR TO MAKING SUCH EXPENDITURES, THE STATE DEPARTMENT SHALL REPORT ITS RECOMMENDED USE OF THE SALE PROCEEDS TO THE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, THE CAPITAL DEVELOPMENT COMMITTEE, AND THE JOINT BUDGET COMMITTEE.

(c) (I) ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE CEMETERY FUND ARE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE CEMETERY FUND REMAIN IN THE FUND AND MAY NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND. THE STATE CONTROLLER SHALL NOTIFY THE REVISOR OF STATUTES WHEN ALL THE PROCEEDS OF THE SALE ARE APPROPRIATED TO THE CENTRAL FUND PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4).

(II) THE CEMETERY FUND IS REPEALED, EFFECTIVE ON THE DATE THE REVISOR OF STATUTES RECEIVES THE NOTICE FROM THE STATE CONTROLLER SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c).

SECTION 4. 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: June 1, 2016