

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0813.01 Alana Rosen x2606

HOUSE BILL 21-1231

HOUSE SPONSORSHIP

Ortiz and Lynch,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE UNITED STATES SPACE FORCE, AND, IN CONNECTION**
102 **THEREWITH, AUTHORIZING THE COLORADO SPACE NATIONAL**
103 **GUARD AND INCLUDING THE UNITED STATES SPACE FORCE IN**
104 **STATUTORY REFERENCES TO THE BRANCHES OF THE UNITED**
105 **STATES ARMED FORCES.**

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>.)

The bill authorizes the Space National Guard to be added to provisions in statute that mention the Army National Guard and Air

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.

HOUSE
2nd Reading Unamended
April 8, 2021

National Guard. The federal government is likely to create the Space National Guard in the "FY 2022 National Defense Authorization Act". Implementing the Space National Guard in existing statute now will allow the Air National Guard space units to transition to the Space National Guard once the federal government establishes the Space National Guard.

The bill also adds "Space Force" to provisions in statute that list the branches of the armed forces: Army, Navy, Air Force, Marines, and the Coast Guard.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-8.3-102, **amend**
3 the introductory portion, (8)(a), and (9)(a) as follows:

4 **1-8.3-102. Definitions.** In this ~~article~~ ARTICLE 8.3:

5 (8) "Uniformed service" means:

6 (a) Active and reserve components of the Army, Navy, Air Force,
7 Marine Corps, SPACE FORCE, or Coast Guard of the United States;

8 (9) "Uniformed-service voter" means an individual who is
9 qualified to vote and is:

10 (a) A member of the active or reserve components of the Army,
11 Navy, Air Force, Marine Corps, SPACE FORCE, or Coast Guard of the
12 United States who is on active duty;

13 **SECTION 2.** In Colorado Revised Statutes, 8-70-140, **amend**
14 (1)(c)(III) as follows:

15 **8-70-140. Employment does not include - nonprofit**
16 **organizations - governmental entities - Indian tribes.** (1) For the
17 purposes of sections 8-70-118, 8-70-119, and 8-70-125.5, "employment"
18 does not include services performed:

19 (c) In the employ of a governmental entity referred to in section
20 8-70-119 or an Indian tribe referred to in section 8-70-125.5 if such
21 service is performed by an individual in the exercise of such individual's

1 duties:

2 (III) As a member of the state National Guard, ~~or~~ Air National
3 Guard, OR SPACE NATIONAL GUARD;

4 **SECTION 3.** In Colorado Revised Statutes, 10-16-105, **amend**
5 (7)(b)(II) as follows:

6 **10-16-105. Guaranteed issuance of health insurance coverage**
7 **- individual and small employer health benefit plans. (7) Issuance of**
8 **coverage to members of military.** (b) As used in this subsection (7),
9 unless the context otherwise requires:

10 (II) "Uniformed services of the United States" means the United
11 States Army, United States Navy, United States Marine Corps, United
12 States Air Force, United States Coast Guard, UNITED STATES SPACE
13 FORCE, national oceanic and atmospheric administration commissioned
14 officer corps, and United States public health service commissioned
15 corps.

16 **SECTION 4.** In Colorado Revised Statutes, 14-13.7-102, **amend**
17 the introductory portion and (18)(a) as follows:

18 **14-13.7-102. Definitions.** In this ~~article~~ ARTICLE 13.7:

19 (18) "Uniformed service" means:

20 (a) Active and reserve components of the Army, Navy, Air Force,
21 Marine Corps, SPACE FORCE, or Coast Guard of the United States;

22 **SECTION 5.** In Colorado Revised Statutes, 28-3-101, **amend** the
23 introductory portion and (2) as follows:

24 **28-3-101. Definitions.** As used in this ~~article~~ ARTICLE 3, unless
25 the context otherwise requires:

26 (2) "Armed forces" means the Army, Navy, Air Force, Marine
27 Corps, SPACE FORCE, and Coast Guard of the United States.

1 **SECTION 6.** In Colorado Revised Statutes, 28-3-101, **amend** the
2 introductory portion and (12) as follows:

3 **28-3-101. Definitions.** As used in this ~~article~~ ARTICLE 3, unless
4 the context otherwise requires:

5 (12) "National Guard" includes the Army National Guard, ~~and~~ the
6 Air National Guard, AND THE SPACE NATIONAL GUARD.

7 **SECTION 7.** In Colorado Revised Statutes, 28-3.1-114, **amend**
8 (2)(a)(III) as follows:

9 **28-3.1-114. Commanding officer's nonjudicial punishment.**

10 (2) Subject to subsection (1) of this section, any commanding officer
11 may, in addition to or in lieu of admonition or reprimand, impose one or
12 more of the following disciplinary punishments without the intervention
13 of a court-martial:

14 (a) Upon an officer of his or her command:

15 (III) If imposed by the governor, the adjutant general, or a
16 commanding officer of the Army ~~or~~ NATIONAL GUARD, Air NATIONAL
17 GUARD, OR SPACE National Guard, a fine or forfeiture of pay and
18 allowance of not more than the amount of pay and allowance received for
19 two unit training assemblies or two days of annual training, whichever is
20 applicable according to duty status;

21 **SECTION 8.** In Colorado Revised Statutes, **amend** 28-3.1-207
22 as follows:

23 **28-3.1-207. Who may convene special courts-martial.** The
24 commanding officer of a garrison, fort, post, camp, air base, or other
25 place where members of the military forces are on duty or of a division,
26 brigade, regiment, wing, group, detached battalion, separate squadron, or
27 any group of detached units placed under a command for this purpose

1 may convene special courts-martial. In the Colorado Army National
2 Guard, special courts-martial convening authorities include any officer
3 with the grade of O-6 or rank of colonel serving as the commander of a
4 major subordinate command. In the Colorado Air National Guard, special
5 courts-martial convening authorities include group commanders. IN THE
6 COLORADO SPACE NATIONAL GUARD, SPECIAL COURTS-MARTIAL
7 CONVENING AUTHORITIES INCLUDE DELTA COMMANDERS. Special
8 courts-martial may also be convened by superior authority. When any
9 such commanding officer is an accuser, the court shall be convened by
10 superior authority.

11 **SECTION 9.** In Colorado Revised Statutes, 28-4-102, **amend** the
12 introductory portion and (4) as follows:

13 **28-4-102. Definitions.** As used in this ~~article~~ ARTICLE 4, unless
14 the context otherwise requires:

15 (4) "State defense force" means the organized military force of the
16 state of Colorado other than the Army National Guard, ~~or~~ Air National
17 Guard, OR SPACE NATIONAL GUARD and existing as a division of the
18 department of military affairs pursuant to section 24-1-127 (3)(d). ~~C.R.S.~~

19 **SECTION 10.** In Colorado Revised Statutes, **add** 28-5-703.5 as
20 follows:

21 **28-5-703.5. Notice to revisor of statutes - repeal.** (1) THE
22 RESOURCE AND LEGISLATIVE DIRECTOR OF THE DEPARTMENT OF MILITARY
23 AND VETERANS AFFAIRS SHALL NOTIFY THE REVISOR OF STATUTES IN
24 WRITING OF THE DATE ON WHICH THE FEDERAL GOVERNMENT CREATED
25 THE SPACE NATIONAL GUARD IN THE "FY 2022 NATIONAL DEFENSE
26 AUTHORIZATION ACT" BY E-MAILING THE NOTICE TO
27 REVISOROFSTATUTES.GA@STATE.CO.US.

1 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1 OF THE YEAR
2 FOLLOWING THE REVISOR OF STATUTE'S RECEIPT OF THE NOTICE REQUIRED
3 BY SUBSECTION (1) OF THIS SECTION.

4 **SECTION 11.** In Colorado Revised Statutes, 28-5-802, **amend**
5 (1) as follows:

6 **28-5-802. Qualifications - term of office.** (1) The county
7 veterans service officer, or assistant at the time of appointment, shall be
8 a resident of the state, shall have served in the United States Army, Air
9 Force, Navy, Marine Corps, SPACE FORCE, or Coast Guard, or any
10 auxiliary branch thereof and shall have been honorably discharged
11 therefrom or shall be an officer released from active duty with the armed
12 forces and placed on inactive duty therein. Before such appointments
13 shall be made, the board of county commissioners making such
14 appointments shall have sought the advice and counsel of the chief officer
15 of each post of the regularly established and existing veterans
16 organizations of the county wherein such officer or assistant is to serve
17 as to the qualifications and experience of the applicant for such position.
18 Such appointee shall be well-qualified based on his or her education and
19 experience to perform the duties of county veterans service officer. The
20 division shall recommend education and experience qualifications for the
21 position of county veterans service officer.

22 **SECTION 12.** In Colorado Revised Statutes, 39-3.5-101, **amend**
23 the introductory portion and (1.8) as follows:

24 **39-3.5-101. Definitions.** As used in this ~~article~~ ARTICLE 3.5,
25 unless the context otherwise requires:

26 (1.8) "Person called into military service" means a member of the
27 Army National Guard of the United States, the Army reserve, the Naval

1 reserve, the Marine Corps reserve, the Air National Guard of the United
2 States, the Air Force reserve, THE SPACE NATIONAL GUARD OF THE
3 UNITED STATES, or the Coast Guard reserve who has been ordered to
4 active duty pursuant to 10 U.S.C. sec. 12301 (a) or 12302 for a period of
5 more than thirty consecutive days in a time of war or national emergency
6 declared by the congress or the president of the United States. "Active
7 duty" includes any period during which a person called into military
8 service is absent from duty on account of sickness, wounds, leave, or
9 other lawful cause.

10 **SECTION 13.** In Colorado Revised Statutes, 42-2-114, **amend**
11 (10)(a) as follows:

12 **42-2-114. License issued - fees - rules.** (10) (a) At the applicant's
13 voluntary request, the department shall issue a driver's license bearing an
14 identifier of a branch of the United States armed forces, such as "Marine
15 Corps", "Navy", "Army", "Air Force", "SPACE FORCE", or "Coast Guard",
16 if the applicant possesses a currently valid military identification
17 document, a DD214 form issued by the United States government, or any
18 other document accepted by the department that demonstrates that the
19 applicant is an active member or a veteran of the branch of service that
20 the applicant has requested be placed on the driver's license. The
21 applicant shall not be required to provide documentation that the
22 applicant is an active member or a veteran of a branch of the United
23 States armed forces to renew or be reissued a driver's license bearing an
24 identifier issued pursuant to this subsection (10). The department shall not
25 place more than one branch of the United States armed forces identifier
26 on an applicant's driver's license.

27 **SECTION 14.** In Colorado Revised Statutes, 42-2-303, **amend**

1 (4)(a) as follows:

2 **42-2-303. Contents of identification card.** (4) (a) At the
3 applicant's voluntary request, the department shall issue an identification
4 card bearing an identifier of a branch of the United States armed forces,
5 such as "Marine Corps", "Navy", "Army", "Air Force", "SPACE FORCE",
6 or "Coast Guard", if the applicant possesses a currently valid military
7 identification document, a DD214 form issued by the United States
8 government, or any other document accepted by the department that
9 demonstrates that the applicant is an active member or a veteran of the
10 branch of service that the applicant has requested be placed on the
11 identification card. The applicant shall not be required to provide
12 documentation that the applicant is an active member or a veteran of a
13 branch of the United States armed forces to renew or be reissued an
14 identification card bearing an identifier issued pursuant to this subsection
15 (4). The department shall not place more than one branch of the United
16 States armed forces identifier on an applicant's identification card.

17 **SECTION 15. Effective date.** (1) Except as otherwise provided
18 in subsection (2) of this section, this act takes effect upon passage.

19 (2) Sections 2, 6, 7, 8, 9 and 12 of this act take effect only if the
20 federal government creates the Space National Guard in the "FY 2022
21 National Defense Authorization Act" and take effect on the date
22 identified in the written notice from the resource and legislative director
23 of the department of military and veterans affairs to the revisor of
24 statutes, as required in section 10 of this act, that the Space National
25 Guard was created or, if the notice does not specify that date, on the date
26 of the notice to the revisor of statutes, or on the effective date of this act,
27 whichever is later.

1 **SECTION 16. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.