

## CHAPTER 206

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**MILITARY AND VETERANS**


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**HOUSE BILL 21-1231**

BY REPRESENTATIVE(S) Ortiz and Lynch, Bacon, Baisley, Bennett, Bird, Bockenfeld, Carver, Cutter, Duran, Esgar, Exum, Gray, Hooton, Jodeh, Lontine, McCormick, Michaelson Jenet, Mullica, Pelton, Pico, Ransom, Sandridge, Snyder, Tipper, Titone, Valdez A., Valdez D., Van Beber, Weissman, Woodrow, Young;  
 also SENATOR(S) Fields and Bridges, Cooke, Danielson, Donovan, Ginal, Hansen, Hisey, Holbert, Jaquez Lewis, Kirkmeyer, Kolker, Liston, Lundeen, Pettersen, Priola, Scott, Simpson, Smallwood, Sonnenberg, Story, Winter, Garcia.

**AN ACT**

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

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

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

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

(8) "Uniformed service" means:

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

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

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

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

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*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.*

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

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

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

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

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

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

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

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

(18) "Uniformed service" means:

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

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

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

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

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

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

(12) "National Guard" includes the Army National Guard, ~~and~~ the Air National

Guard, AND THE SPACE NATIONAL GUARD.

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

**28-3.1-114. Commanding officer's nonjudicial punishment.** (2) Subject to subsection (1) of this section, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one or more of the following disciplinary punishments without the intervention of a court-martial:

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

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

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

**28-3.1-207. Who may convene special courts-martial.** The commanding officer of a garrison, fort, post, camp, air base, or other place where members of the military forces are on duty or of a division, brigade, regiment, wing, group, detached battalion, separate squadron, or any group of detached units placed under a command for this purpose may convene special courts-martial. In the Colorado Army National Guard, special courts-martial convening authorities include any officer with the grade of O-6 or rank of colonel serving as the commander of a major subordinate command. In the Colorado Air National Guard, special courts-martial convening authorities include group commanders. ~~IN THE COLORADO SPACE NATIONAL GUARD, SPECIAL COURTS-MARTIAL CONVENING AUTHORITIES INCLUDE DELTA COMMANDERS.~~ Special courts-martial may also be convened by superior authority. When any such commanding officer is an accuser, the court shall be convened by superior authority.

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

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

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

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

**28-5-703.5. Notice to revisor of statutes - repeal.** (1) THE RESOURCE AND LEGISLATIVE DIRECTOR OF THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE ON WHICH THE FEDERAL GOVERNMENT CREATED THE SPACE NATIONAL GUARD IN THE "FY 2022

NATIONAL DEFENSE AUTHORIZATION ACT" BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US.

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

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

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

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

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

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

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

**42-2-114. License issued - fees - rules.** (10) (a) At the applicant's voluntary request, the department shall issue a driver's license bearing an identifier of a branch of the United States armed forces, such as "Marine Corps", "Navy", "Army", "Air Force", "SPACE FORCE", or "Coast Guard", if the applicant possesses a currently valid military identification document, a DD214 form issued by the United States government, or any other document accepted by the department that demonstrates that the applicant is an active member or a veteran of the branch of service that the applicant has requested be placed on the driver's license. The applicant shall not be

required to provide documentation that the applicant is an active member or a veteran of a branch of the United States armed forces to renew or be reissued a driver's license bearing an identifier issued pursuant to this subsection (10). The department shall not place more than one branch of the United States armed forces identifier on an applicant's driver's license.

**SECTION 14.** In Colorado Revised Statutes, 42-2-303, **amend** (4)(a) as follows:

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

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

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

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

Approved: May 28, 2021