

CHAPTER 280

**HUMAN SERVICES - SOCIAL SERVICES**

**SENATE BILL 98-186**

BY SENATORS Alexander, Coffman, Wham, Bishop, Feeley, Hernandez, Hopper, Johnson, Lamborn, Martinez, Matsunaka, Mutzebaugh, Norton, Pascoe, Perlmutter, Phillips, Rupert, Schroeder, Weddig, and Wells; also REPRESENTATIVES Epps, Takis, George, Hagedorn, Gotlieb, Kaufman, Mace, Nichol, Reeser, Sinclair, and Snyder.

**AN ACT**

CONCERNING FACILITIES FOR VETERANS IN THE STATE OF COLORADO AND, IN CONNECTION THEREWITH, PROVIDING FOR THE ESTABLISHMENT OF A STATE VETERANS HOME AT THE FORMER FITZSIMONS ARMY MEDICAL CENTER, AND MAKING AN APPROPRIATION THEREFOR.

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

**SECTION 1.** Part 2 of article 12 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**26-12-201.5 Nursing home at former Fitzsimons authorized.** (1) SUBJECT TO AVAILABLE APPROPRIATIONS AND THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION, THERE IS HEREBY AUTHORIZED THE ESTABLISHMENT AND CONSTRUCTION OF A STATE VETERANS NURSING HOME ON THE SITE OF THE FORMER FITZSIMONS ARMY MEDICAL CENTER.

(2) PREFERENCE FOR ADMISSION TO THE STATE VETERANS NURSING HOME AUTHORIZED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE GIVEN TO ANY VETERAN WHO IS NOT CURRENTLY A RESIDENT IN ANOTHER STATE VETERANS NURSING HOME.

(3) NO LATER THAN JANUARY 1, 2000, AND PRIOR TO COMMENCEMENT OF CONSTRUCTION AT FITZSIMONS, THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND TO THE CAPITAL DEVELOPMENT COMMITTEE AND THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY THAT SHALL

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

ADDRESS THE FOLLOWING ISSUES:

(a) THE PROJECTED INCREASED NEED FOR VETERANS BEDS IN THE DENVER METROPOLITAN AREA;

(b) THE IMPACT OR BENEFITS THAT A FACILITY IN THE DENVER METROPOLITAN AREA WOULD HAVE IN TERMS OF ENHANCING AND CONTINUING SUPPORT FOR VETERANS AND THEIR FAMILIES;

(c) THE IMPACT, IF ANY, THAT THE FACILITY AUTHORIZED PURSUANT TO SUBSECTION (1) OF THIS SECTION WOULD HAVE UPON EXISTING STATE VETERANS NURSING HOMES AND ANY RECOMMENDATIONS FOR WAYS TO MITIGATE ANY ADVERSE IMPACT THE FACILITY WOULD HAVE UPON SUCH EXISTING STATE VETERANS NURSING HOMES;

(d) THE EFFORTS OF THE STATE DEPARTMENT TO IDENTIFY AND EVALUATE AN EXISTING NURSING FACILITY WITHIN THE DENVER METROPOLITAN AREA THAT WOULD BE SUITABLE TO BE LEASED OR PURCHASED SUCH THAT THE FACILITY MEETS OR CAN BE RENOVATED TO MEET U.S. DEPARTMENT OF VETERANS AFFAIRS NURSING FACILITY STANDARDS. THE EVALUATION SHALL INCLUDE A REVIEW OF SPACE REQUIREMENTS AS WELL AS A DETERMINATION OF THE STAFF EFFICIENCY AND COST-EFFECTIVENESS OF OPERATING THE EXISTING NURSING FACILITY.

(e) OPPORTUNITIES AND BENEFITS OF CONTRACTING WITH OTHER PRIVATE OR PUBLIC ENTITIES FOR ALL OR PART OF THE OPERATION AND MANAGEMENT OF THE FACILITY AUTHORIZED PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(4) PRIOR TO OBTAINING A CONSTRUCTION GRANT FROM THE FEDERAL DEPARTMENT OF VETERANS AFFAIRS AND IN CONJUNCTION WITH THE REPORT REQUIRED PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE STATE DEPARTMENT SHALL PRESENT A BUSINESS PLAN 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 OF THE GENERAL ASSEMBLY THAT IDENTIFIES POTENTIAL ALTERNATIVE SOURCES OF FUNDING THE REMAINING CONSTRUCTION COSTS, AS WELL AS START-UP COSTS NECESSARY FOR THE INITIAL OPERATION OF THE FACILITY.

(5) SUBJECT TO THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION, CONSTRUCTION OF THE FACILITY AUTHORIZED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BEGIN NO LATER THAN OCTOBER 1, 2001, OR UPON RECEIPT OF THE FEDERAL FUNDING FOR SUCH CONSTRUCTION.

(6) THE STATE DEPARTMENT SHALL NOT BE AUTHORIZED TO USE ANY GENERAL FUNDS TO COVER ANY OPERATIONAL SHORTFALL INCURRED BY THE FACILITY AFTER ITS CONSTRUCTION AND BEFORE IT BEGINS TO GENERATE REVENUES SUFFICIENT TO COVER ITS OPERATIONAL EXPENSES.

**SECTION 2.** 24-75-302 (2) (k), Colorado Revised Statutes, is amended to read:

**24-75-302. Capital construction fund - capital assessment fees - calculation.**

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2001, a

sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(k) On July 1, 1998, fifty million dollars plus three hundred sixteen thousand six hundred thirty-five dollars pursuant to H.B. 97-1186, enacted at the first regular session of the sixty-first general assembly, PLUS FOUR MILLION THREE HUNDRED SIX THOUSAND SEVEN HUNDRED SEVENTY DOLLARS PURSUANT TO S.B. 98-186, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY;

**SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of human services, office of the executive director, for the construction of a state veterans nursing home on the site of the former Fitzsimons army medical center, for the fiscal year beginning July 1, 1998, the sum of four million three hundred six thousand seven hundred seventy dollars (\$4,306,770), or so much thereof as may be necessary, for the implementation of this act. The appropriation made by this section shall become available to the department of human services upon passage of this act and shall remain available until completion of the project or for a period of three years, whichever comes first, at which time the unexpended and unencumbered balance shall revert to the capital construction fund.

**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, 1998