

CHAPTER 263

MILITARY AND VETERANS

SENATE BILL 13-040

BY SENATOR(S) Crowder, Aguilar, Brophy, Cadman, Giron, Grantham, Heath, Jahn, Jones, Kerr, King, Lambert, Newell, Scheffel, Schwartz, Tochtrop, Todd, Morse;
 also REPRESENTATIVE(S) Vigil, Dore, Duran, Fields, Foote, Garcia, Ginal, Labuda, May, McLachlan, Pabon, Rankin, Saine, Salazar, Sonnenberg, Wilson, Young, Ferrandino.

AN ACT

CONCERNING THE COMPLETION OF THE CEMETERY EXPANSION PROJECT AT THE HOMELAKE MILITARY VETERANS CEMETERY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 26-12-205, **amend** (1) (a) and (4) (b); and **add** (8) as follows:

26-12-205. Homelake military veterans cemetery - definitions - fund - rules - notice of funding through gifts, grants, and donations - repeal. (1) As used in this section, unless the context otherwise requires:

(a) "Cemetery" means the Homelake military veterans cemetery established and maintained at the center pursuant to subsection (2) of this section, including:

(I) THE TWO TRIANGULAR AREAS THAT ARE ADJACENT TO, AND TO THE NORTHEAST AND NORTHWEST OF, THE CIRCULAR CEMETERY PROPER; AND

(II) The triangular area of land to the direct north of the existing cemetery as of May 3, 2012.

(4)(b)(I) The state department is authorized to accept gifts, grants, and donations for the purposes of this section; except that the state department shall not accept a gift, grant, or donation that is subject to conditions that are inconsistent with the provisions of this section or any other law of the state. The state department shall transfer all private and public moneys received through gifts, grants, and donations to the state treasurer, who shall credit the same to the fund.

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

(II) TO THE EXTENT PERMITTED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), A PERSON WHO CONTRIBUTES A GIFT, GRANT, OR DONATION TO THE FUND MAY DESIGNATE A SPECIFIC PURPOSE FOR WHICH THE GIFT, GRANT, OR DONATION IS TO BE USED. THE STATE DEPARTMENT SHALL NOT UNREASONABLY DELAY A PROJECT THAT IS SUFFICIENTLY FUNDED BY GIFTS, GRANTS, OR DONATIONS.

(8) (a) ON OR BEFORE JANUARY 1, 2014, THE STATE DEPARTMENT SHALL ESTABLISH A PHASED PLAN FOR EXPANSION OF THE CEMETERY. THE STATE DEPARTMENT SHALL IDENTIFY PHASES IN A MANNER THAT IS AESTHETICALLY APPROPRIATE, COST-EFFECTIVE, AND CAPABLE OF INCREMENTAL IMPLEMENTATION AS FUNDING BECOMES AVAILABLE; EXCEPT THAT THE FIRST PHASE SHALL CONSIST OF THE PORTION OF THE PROJECT DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (8). THE EXPANSION PROJECT SHALL INCLUDE WORK SUFFICIENT TO MEET THE DEMAND FOR UNRESERVED BURIAL PLOTS IN THE CEMETERY AND TO ALLOW THE STATE DEPARTMENT TO CONDUCT INTERMENTS AT THE RATE OF FIFTEEN INTERMENTS PER YEAR. TO THE EXTENT PRACTICABLE, IN IMPLEMENTING THE EXPANSION PLAN, THE STATE DEPARTMENT SHALL MAKE USE OF WORK COMPLETED BY THIRD PARTIES PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION AND COORDINATE WITH SUCH PARTIES TO ENSURE THAT WORK COMPLETED FOR THE EXPANSION PROJECT MEETS THE STANDARDS AND SPECIFICATIONS OF THE PHASED PLAN.

(b) ON OR BEFORE JULY 1, 2014, THE STATE DEPARTMENT SHALL COMPLETE THE EXPANSION OF THE CEMETERY AND MAKE AVAILABLE FOR ELIGIBLE VETERANS OF THE UNITED STATES ARMED FORCES AND THEIR SPOUSES NEW CEMETERY PLOTS IN THE TWO TRIANGULAR AREAS THAT ARE ADJACENT TO, AND TO THE NORTHEAST AND NORTHWEST OF, THE CIRCULAR CEMETERY PROPER.

(c) (I) ON OR BEFORE JANUARY 1, 2015, THE STATE DEPARTMENT SHALL SUBMIT TO THE STATE, MILITARY, AND VETERANS AFFAIRS COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEE, A REPORT CONCERNING:

(A) THE STATUS OF THE PHASED PLAN FOR EXPANSION OF THE CEMETERY;

(B) THE DAY-TO-DAY AND YEARLY REQUIREMENTS THAT ARE INVOLVED IN THE MAINTENANCE OF THE CEMETERY;

(C) THE EXTENT TO WHICH THE DEPARTMENT RELIES UPON STATE EMPLOYEES FOR THE ACTUAL MAINTENANCE OF THE CEMETERY; AND

(D) THE EXTENT TO WHICH THE STATE DEPARTMENT CONTRACTS WITH OTHER PUBLIC OR PRIVATE ENTITIES, AS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (2) AND SUBSECTION (6) OF THIS SECTION, FOR THE ACTUAL MAINTENANCE OF THE CEMETERY.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JANUARY 2, 2015.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for the fiscal year beginning July

1, 2013, the sum of \$99,575, or so much thereof as may be necessary, for allocation to the Homelake military veterans cemetery line item for construction costs related to the implementation of this act.

SECTION 3. 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 24, 2013