

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 26-088

BY SENATOR(S) Kirkmeyer and Carson, Baisley, Bright, Catlin, Frizell, Liston, Pelton B., Pelton R., Rich, Simpson, Wallace, Zamora Wilson; also REPRESENTATIVE(S) Winter T. and Martinez, Bacon, Barron, Boesenecker, Brown, Caldwell, Clifford, Duran, Hamrick, Lieder, Lindsay, Nguyen, Rutinel, Story, Taggart, Valdez, Weinberg, Woog.

CONCERNING THE GROUNDS SURROUNDING THE STATE CAPITOL BUILDING, AND, IN CONNECTION THEREWITH, PROVIDING FOR THE MAINTENANCE AND REPAIR OF MEMORIALS AND MONUMENTS ON THE CAPITOL GROUNDS AND IN LINCOLN VETERANS' MEMORIAL PARK.

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

SECTION 1. In Colorado Revised Statutes, 24-80-1401, **amend** (1), (4), and (5); **repeal** (2) and (3); and **add** (5.5) as follows:

24-80-1401. Colorado veterans' monument preservation trust fund - state historical society - park name change - report.

(1) There is hereby created in the state treasury the Colorado veterans' monument preservation trust fund, referred to in this section as the "trust fund", the principal of which ~~shall consist~~ CONSISTS of ~~funds~~ MONEY

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.

made available from ~~private~~ GIFTS, GRANTS, AND donations received by the ~~department of personnel~~ STATE HISTORICAL SOCIETY, MONEY CREDITED TO THE TRUST FUND AS SPECIFIED IN SUBSECTION (4)(e) OF THIS SECTION, and any ~~funds appropriated thereto~~ MONEY TRANSFERRED TO THE TRUST FUND by the general assembly. All ~~moneys~~ MONEY deposited in the trust fund and all interest earned in the trust fund ~~shall remain~~ REMAINS in the trust for the purposes as set forth in this ~~part 14~~ SECTION, and no portion ~~thereof shall~~ OF THE TRUST FUND MAY be expended or appropriated for any other purpose. THE PRINCIPAL OF THE TRUST FUND AND ANY UNAPPROPRIATED INTEREST EARNED ON THE PRINCIPAL OF THE TRUST FUND AT THE CLOSE OF ANY FISCAL YEAR REMAIN IN THE TRUST FUND AND MAY NOT BE TRANSFERRED TO OR REVERT TO THE GENERAL FUND.

(2) ~~There is hereby created a preservation trust committee for the purpose of overseeing and making allocations out of the trust fund. The preservation trust committee shall be comprised of four members. One member shall be a representative or designee of the Colorado board of veterans affairs, created in section 28-5-702, one member shall be a member or designee of the state capitol building advisory committee, created in section 24-82-108, one member shall be a veteran appointed jointly by the speaker of the house of representatives and the president of the senate, and one member shall be a representative of the department of personnel that oversees real estate services, who shall be an ex officio nonvoting member.~~

(3) (a) ~~The initial term for the member representing the Colorado board of veterans affairs and for the member representing the state capitol building advisory committee shall be three years. Thereafter, those members' terms shall be two-year terms. Except as provided in paragraph (b) of this subsection (3), the member appointed by the speaker of the house of representatives and the president of the senate shall serve a two-year term. Any vacancy on the committee shall be filled in the same manner provided for original appointments for the remainder of an unexpired term.~~

(b) ~~The term of the member appointed by the speaker of the house of representatives and the president of the senate and who is serving on March 22, 2007, shall be extended to and expire on or shall terminate on the convening date of the first regular session of the sixty-seventh general assembly. As soon as practicable after such convening date, the speaker and the president shall jointly appoint or reappoint one member in the same manner as provided in paragraph (a) of this subsection (3). Thereafter, the~~

~~term of the member appointed or reappointed by the speaker and the president shall expire on the convening date of the first regular session of each general assembly, and all subsequent appointments and reappointments by the speaker and the president shall be made as soon as practicable after such convening date. Members appointed or reappointed by the speaker and the president shall serve at the pleasure of the appointing authority and shall continue in office until the member's successor is appointed.~~

(4) (a) THE PURPOSES OF THE TRUST FUND ARE TO MAINTAIN, ENHANCE, AND REPAIR MONUMENTS AND MEMORIALS IN LINCOLN VETERANS' MEMORIAL PARK AND ON THE GROUNDS SURROUNDING THE STATE CAPITOL BUILDING.

~~(b) The preservation trust committee shall have~~ STATE HISTORICAL SOCIETY CREATED IN PART 2 OF THIS ARTICLE 80 HAS discretion in determining the amount of ~~funds~~ MONEY to allocate from the trust fund to meet the purposes of this part 14. Except ~~that~~ AS OTHERWISE PROVIDED IN SUBSECTIONS (4)(c) TO (4)(f) OF THIS SECTION, only the interest derived from the principal in the trust fund may be expended by the ~~preservation trust committee~~. ~~All gifts, grants, and donations received by the department of personnel pursuant to subsection (5) of this section shall be credited to the trust fund and retained as principal in the trust fund~~ STATE HISTORICAL SOCIETY. All interest earned on the investment of money in the TRUST fund ~~shall be~~ IS continuously appropriated to the ~~department of personnel for allocation to the preservation trust committee~~ STATE HISTORICAL SOCIETY. The ~~preservation trust committee~~ STATE HISTORICAL SOCIETY shall determine annually how much of the interest generated from the principal in the trust fund will be spent and shall determine and approve what types of maintenance and repair work will be performed for the purposes ~~of maintaining, enhancing, and repairing the Colorado veterans' monument and any fallen heroes memorials in Lincoln veterans' memorial park in Denver, Colorado, and for maintaining Lincoln veterans' memorial park.~~ The principal of the trust fund and any unappropriated interest earned on the principal of the trust fund at the close of any fiscal year shall remain in the trust fund and shall not be transferred to or revert to the general fund SET FORTH IN SUBSECTION (4)(a) OF THIS SECTION.

(c) SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, THE STATE HISTORICAL SOCIETY MAY EXPEND PRINCIPAL FROM THE TRUST FUND FOR THE PURPOSES SET FORTH IN SUBSECTION (4)(a) OF THIS SECTION IN

STATE FISCAL YEAR 2027-2028 AND ONCE EVERY TWENTY STATE FISCAL YEARS THEREAFTER.

(d) THE STATE HISTORICAL SOCIETY MAY EXPEND PRINCIPAL FROM THE TRUST FUND FOR UNEXPECTED MAINTENANCE THAT IS NOT COVERED BY INSURANCE, AS LONG AS THE MAINTENANCE IS NECESSARY AND SUFFICIENT PRINCIPAL EXISTS IN THE TRUST FUND.

(e) MONEY GIFTED, GRANTED, DONATED, OR OTHERWISE CREDITED TO THE TRUST FUND IN CONNECTION WITH THE PLACEMENT OF AN APPROVED OBJECT OF ART OR MEMORIAL ON THE GROUNDS SURROUNDING THE STATE CAPITOL BUILDING, AS DESCRIBED IN SECTION 24-82-108 (3)(h)(IV), IS CONTINUOUSLY APPROPRIATED TO THE STATE HISTORICAL SOCIETY FOR THE LIFETIME MAINTENANCE OF THE OBJECT OF ART OR MEMORIAL.

(f) DONATIONS MADE IN CONNECTION WITH A PERMIT TO USE THE LINCOLN VETERANS' MEMORIAL PARK ARE CONTINUOUSLY APPROPRIATED TO THE STATE HISTORICAL SOCIETY FOR MAINTAINING AND RESTORING MONUMENTS AND MEMORIALS IN LINCOLN VETERANS' MEMORIAL PARK.

(5) ~~The department of personnel~~ STATE HISTORICAL SOCIETY is authorized to receive gifts, grants, and donations from private or public sources for the trust fund. ~~Such~~ THE gifts, grants, and donations ~~together with any other money appropriated or transferred by the general assembly, shall~~ MUST be transmitted to the state treasurer, who shall credit the same to the trust fund. ~~Money in the trust fund shall be used for maintaining and enhancing the Colorado veterans' monument and Lincoln veterans' memorial park, but shall not be used to supplant existing appropriations for maintenance of the monument or Lincoln veterans' memorial park.~~ EXCEPT AS OTHERWISE SPECIFIED IN SUBSECTION (4) OF THIS SECTION, ALL GIFTS, GRANTS, AND DONATIONS RECEIVED BY THE STATE HISTORICAL SOCIETY PURSUANT TO THIS SUBSECTION (5) MUST BE RETAINED AS PRINCIPAL IN THE TRUST FUND. For purposes of section 20 of article X of the state constitution, any donations received for the trust fund ~~shall not be~~ ARE NOT included in state fiscal year spending.

(5.5) ON OR BEFORE DECEMBER 31, 2026, AND ON OR BEFORE EACH DECEMBER 31 THEREAFTER, THE STATE HISTORICAL SOCIETY SHALL SUBMIT A REPORT TO THE STATE CAPITOL BUILDING ADVISORY COMMITTEE CREATED IN SECTION 24-82-108. THE REPORT MUST INCLUDE INFORMATION ON:

(a) THE STATE HISTORICAL SOCIETY'S PLANS TO MAINTAIN, ENHANCE, AND REPAIR MONUMENTS AND MEMORIALS IN LINCOLN VETERANS' MEMORIAL PARK AND ON THE GROUNDS SURROUNDING THE STATE CAPITOL BUILDING; AND

(b) THE ACTUAL AND PLANNED USE OF MONEY IN THE TRUST FUND.

SECTION 2. In Colorado Revised Statutes, 24-82-108, **add** (3)(h)(IV) as follows:

24-82-108. State capitol building advisory committee - creation - duties - legislative declaration - repeal.

(3) **Duties of the advisory committee.** The advisory committee has the duties specified in subsections (3)(a) to (3)(i) of this section.

(h) **Proposals for a gift or loan of art and memorials.**

(IV) BEFORE RECOMMENDING A PROPOSAL FOR THE PLACEMENT OF AN OBJECT OF ART OR MEMORIAL ON THE SURROUNDING GROUNDS OF THE CAPITOL TO THE CAPITAL DEVELOPMENT COMMITTEE AND THE GOVERNOR FOR APPROVAL, THE ADVISORY COMMITTEE SHALL ENSURE THAT THE PROPOSAL INCLUDES FUNDING SUFFICIENT TO PROVIDE LIFETIME MAINTENANCE OF THE PROPOSED OBJECT OF ART OR MEMORIAL. ONLY A PROPOSAL THAT DEDICATES AT LEAST FIVE PERCENT OF ITS TOTAL BUDGET TO MAINTENANCE INCLUDES FUNDING SUFFICIENT TO PROVIDE LIFETIME MAINTENANCE OF THE PROPOSED OBJECT OF ART OR MEMORIAL. AFTER THE CAPITAL DEVELOPMENT COMMITTEE AND THE GOVERNOR APPROVE A PROPOSAL FOR THE PLACEMENT OF AN OBJECT OF ART OR MEMORIAL ON THE SURROUNDING GROUNDS OF THE CAPITOL IN ACCORDANCE WITH SUBSECTION (3)(h)(I)(B) OF THIS SECTION, THE MONEY IDENTIFIED IN THE PROPOSAL FOR THE LIFETIME MAINTENANCE OF THE PROPOSED OBJECT OF ART OR MEMORIAL MUST BE GIFTED, GRANTED, DONATED, OR OTHERWISE CREDITED TO THE COLORADO VETERANS' MONUMENT PRESERVATION TRUST FUND CREATED IN SECTION 24-80-1401.

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

the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO