

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 16-1239.01 Esther van Mourik x4215

HOUSE BILL 16-1456

HOUSE SPONSORSHIP

Lontine, Rosenthal, Ryden

SENATE SPONSORSHIP

Crowder,

House Committees

State, Veterans, & Military Affairs
Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE SALE OF A PORTION OF LAND AT THE COLORADO
102 MENTAL HEALTH INSTITUTE AT FORT LOGAN TO THE UNITED
103 STATES DEPARTMENT OF VETERANS AFFAIRS FOR THE
104 EXPANSION OF FORT LOGAN NATIONAL CEMETERY.

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://www.leg.state.co.us/bills summaries>.)

The bill authorizes the department of human services to execute a land sale, at fair market value, for up to 15 acres of vacant land around the Colorado mental health institute at Fort Logan to the United States

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
May 9, 2016

HOUSE
3rd Reading Unamended
May 6, 2016

HOUSE
Amended 2nd Reading
May 5, 2016

department of veterans affairs for the purpose of expanding the Fort Logan national cemetery.

The bill requires all sale proceeds to be credited to the Fort Logan national cemetery fund, created in the bill, and then appropriated by the general assembly to the central fund for veterans community living centers (central fund) in the fiscal year in which the property sale takes place, and in each fiscal year thereafter, until all sale proceeds are appropriated to the central fund in such amounts so that the appropriation from the cemetery fund in each fiscal year equals the maximum amount possible that would not exceed 10% of the veterans center or group of veterans centers total annual revenues in grants from the state and all Colorado local governments combined.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) After World War II, a portion of the land at Fort Logan was set
5 aside for the Fort Logan National Cemetery and the rest was donated by
6 the federal government to the state board of land commissioners to
7 establish a state hospital;

8 (b) The Fort Logan National Cemetery was named after Union
9 General John A. Logan, Commander of United States Volunteer forces
10 during the American Civil War. The cemetery is made up of 214 acres
11 and as of 2014 has over 122,000 interments. The Fort Logan National
12 Cemetery features a memorial pathway lined with a variety of memorials
13 that honor America's veterans from various organizations. There are 17
14 memorials at Fort Logan National Cemetery, most commemorating
15 soldiers of various 20th-century wars.

16 (c) The state has historically used its donated land as a mental
17 health center, the first patients of which were admitted in 1961. The state
18 board of land commissioners deeded 308 acres of the donated land to
19 what is now known as the Colorado department of human services for

1 \$10. That deed specified that if any part of the 308 acres cease to be used
2 for the purposes of the mental health center, then the lands revert to the
3 state board of land commissioners.

4 (d) In 1991, the center was renamed to the Colorado Mental
5 Health Institute at Fort Logan, which is operated by the Colorado
6 department of human services;

7 (e) Some of the land adjacent to the Colorado Mental Health
8 Institute at Fort Logan is vacant and discussions of a possible sale of a
9 portion of vacant land to the United States Department of Veterans
10 Affairs for purposes of expanding the Fort Logan National Cemetery have
11 been occurring for a number of years;

12 (f) With the completion of two minor construction projects in mid
13 2017 that will develop the last remaining undeveloped interment sections
14 at Fort Logan National Cemetery, the United States Department of
15 Veterans Affairs will deplete all available grave sites for new interments
16 in mid to late 2027. The United States Department of Veterans Affairs
17 has already begun a process of identifying a potential tract of land for a
18 new national cemetery for the greater Denver area, but the absolute first
19 choice would be to extend the life at Fort Logan National Cemetery for
20 as long as possible.

21 (g) It is in the state's interest to authorize the sale of a portion of
22 land at the Colorado Mental Health Institute at Fort Logan because the
23 Fort Logan National Cemetery is a national shrine that is part of Denver
24 history and is a very important aspect of recognizing the service and
25 sacrifice of our veterans who have chosen to live in the greater Denver
26 area.

27 **SECTION 2. Authority for sale.** The state of Colorado, acting

1 by and through the department of human services, is authorized to
2 execute a land sale, at fair market value, for up to fifteen acres of vacant
3 land around the Colorado Mental Health Institute at Fort Logan to the
4 United States Department of Veterans Affairs for the purpose of
5 expanding the Fort Logan National Cemetery. In the event a reversion is
6 triggered by operation of the 1962 deed of real property from the state
7 board of land commissioners to what is now known as the department of
8 human services, the state board of land commissioners is authorized and
9 encouraged to transfer all its interests in such land around the Colorado
10 Mental Health Institute at Fort Logan to the department of human
11 services prior to the sale of such property. If the state board of land
12 commissioners does not transfer all its interests in such land to the
13 department of human services, then the department of human services
14 shall continue to use the land and shall not sell it. The proceeds of the sale
15 to the United States Department of Veterans Affairs must be credited as
16 specified in section 26-12-108 (4), Colorado Revised Statutes.

17 **SECTION 3.** In Colorado Revised Statutes, 26-12-108, **add** (4)
18 as follows:

19 **26-12-108. Payments for care - funds - annual report -**
20 **collections for charges - central fund for veterans centers created -**
21 **repeal.** (4) (a) IF THE STATE DEPARTMENT SELLS A PORTION OF VACANT
22 LAND TO THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS FOR
23 EXPANSION OF THE FORT LOGAN NATIONAL CEMETERY AS AUTHORIZED IN
24 HOUSE BILL 16-1456, ENACTED IN 2016, THE STATE TREASURER SHALL
25 CREDIT THE SALE PROCEEDS OF SUCH SALE TO THE FORT LOGAN NATIONAL
26 CEMETERY FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN
27 THIS SUBSECTION (4) AS THE "CEMETERY FUND". IN THE FISCAL YEAR IN

1 WHICH THE PROPERTY SALE TAKES PLACE, AND IN EACH FISCAL YEAR
2 THEREAFTER UNTIL ALL SALE PROCEEDS ARE APPROPRIATED AS SPECIFIED
3 IN THIS PARAGRAPH (a), THE GENERAL ASSEMBLY SHALL APPROPRIATE
4 MONEY FROM THE CEMETERY FUND TO THE CENTRAL FUND IN SUCH
5 AMOUNTS SO THAT THE APPROPRIATION FROM THE CEMETERY FUND
6 REQUIRED IN THIS SUBSECTION (4) AND THE APPROPRIATION FROM THE
7 GENERAL FUND REQUIRED IN PARAGRAPH (a.5) OF SUBSECTION (1) OF THIS
8 SECTION EQUALS THE MAXIMUM AMOUNT THAT WOULD NOT EXCEED THE
9 LIMIT FOR AN ENTERPRISE SET FORTH IN SECTION 24-77-102 (3)(b), C.R.S.

10 (b) THE MONEYS TRANSFERRED TO THE CENTRAL FUND PURSUANT
11 TO THIS SUBSECTION (4) MAY BE USED FOR NONRECURRING EXPENDITURES
12 THAT ADDRESS THE GREATEST NEEDS OF SERVING VETERANS. AT LEAST
13 SIXTY DAYS PRIOR TO MAKING SUCH EXPENDITURES, THE STATE
14 DEPARTMENT SHALL REPORT ITS RECOMMENDED USE OF THE SALE
15 PROCEEDS TO THE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEES
16 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, THE CAPITAL
17 DEVELOPMENT COMMITTEE, AND THE JOINT BUDGET COMMITTEE.

18 (c) (I) ALL INTEREST DERIVED FROM THE DEPOSIT AND
19 INVESTMENT OF MONEYS IN THE CEMETERY FUND ARE CREDITED TO THE
20 FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND
21 UNENCUMBERED MONEYS IN THE CEMETERY FUND REMAIN IN THE FUND
22 AND MAY NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND. THE
23 STATE CONTROLLER SHALL NOTIFY THE REVISOR OF STATUTES WHEN ALL
24 THE PROCEEDS OF THE SALE ARE APPROPRIATED TO THE CENTRAL FUND
25 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4).

26 (II) THE CEMETERY FUND IS REPEALED, EFFECTIVE ON THE DATE
27 THE REVISOR OF STATUTES RECEIVES THE NOTICE FROM THE STATE

1 CONTROLLER SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c).

2 **SECTION 4. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.