

CHAPTER 86

GOVERNMENT - STATE

SENATE BILL 17-122

BY SENATOR(S) Tate, Baumgardner, Cooke, Court, Crowder, Fields, Gardner, Hill, Kefalas, Kerr, Lundberg, Marble, Martinez Humenik, Merrifield, Moreno, Neville T., Priola, Scott, Smallwood, Sonnenberg, Todd, Williams A., Grantham; also REPRESENTATIVE(S) Danielson and Carver, Becker K., Benavidez, Ginal, Herod, Hooton, Kraft-Tharp, Lontine, Melton, Salazar, Valdez, Weissman, Williams D., Young, Duran.

AN ACT

CONCERNING THE DUTIES OF THE FALLEN HEROES MEMORIAL COMMISSION, AND, IN CONNECTION THEREWITH, REPEALING THE COMMISSION AND SHIFTING ALL REMAINING RESPONSIBILITIES TO THE STATE CAPITOL BUILDING ADVISORY COMMITTEE.

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

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

(a) On April 26, 2007, Colorado Governor Bill Ritter signed into law Senate Bill 07-086 endorsing a memorial to be erected to honor Coloradans killed during World War I, World War II, the Korean War, the Vietnam War, the Persian Gulf War, and the Wars in Afghanistan and Iraq. The bill also created the Colorado Fallen Heroes Memorial Commission, charged with the design of the memorial, location selection, and all fundraising.

(b) As the work of the Colorado Fallen Heroes Memorial Commission is mostly complete, it is efficient to repeal the commission and require the existing state capitol building advisory committee to perform any remaining duties with the assistance of the department of personnel and the Fallen Heroes Memorial Fund, Inc., a Colorado 501(c)(3) organization established to raise money for the construction of the memorial.

SECTION 2. In Colorado Revised Statutes, **repeal** 24-80-1402 as follows:

24-80-1402. Fallen heroes memorial commission - fund - repeal. ~~(1)(a) There is hereby created in the department of personnel the fallen heroes memorial~~

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

commission, referred to in this section as the "commission", to erect memorials near the Colorado veterans monument in Lincoln park to commemorate the lives of Coloradans who died during specific military conflicts. The commission shall consist of five members. The governor, president of the senate, minority leader of the senate, speaker of the house of representatives, and minority leader of the house of representatives shall each appoint one member of the commission. The appointing authorities are encouraged to appoint veterans of foreign wars to the commission. Members of the commission shall serve terms of four years. A member may be reappointed to serve only one additional term.

(b) Notwithstanding the provisions of section 2-2-307, C.R.S., members of the commission, including any legislative members, shall not receive compensation for serving on the commission, but may be reimbursed for necessary expenses out of the fallen heroes memorials construction fund created in subsection (3) of this section.

(c) The commission shall elect from its members a chair and vice-chair and may establish procedures for the commission to follow.

(d) The commission shall make recommendations on the design and siting of appropriate memorials for such commemoration to the preservation trust committee created pursuant to section 24-80-1401. The preservation trust committee shall submit a proposal for the design and siting of appropriate memorials to the state capitol building advisory committee created pursuant to section 24-82-108. The state capitol building advisory committee shall be responsible for the final approval of the design and siting of the appropriate memorials.

(e) In preparing its proposal for the design and siting of appropriate memorials pursuant to this section, the preservation trust committee shall coordinate with the planning department for the city and county of Denver.

(f) The first memorial shall be to honor servicemen and servicewomen killed after September 11, 2001, during the war on terrorism, including but not limited to those killed in Afghanistan and Iraq. The proposal submitted by the preservation trust committee pursuant to paragraph (d) of this subsection (1) may include memorials for servicemen and servicewomen killed during the first world war, the second world war, the Korean war, the Vietnam war, and such other military conflicts as the preservation trust committee may determine are appropriate.

(2) (a) The commission is authorized to solicit and accept gifts, grants, and donations to erect and maintain fallen heroes memorials. Any moneys received by the board shall be deposited in the fallen heroes memorials construction fund created in subsection (3) of this section. The commission shall not incur any obligation for the memorials in excess of the moneys available in the fund.

(b) The department of personnel shall not provide any assistance to the commission until it can do so within existing appropriations.

(3) (a) There is hereby created in the state treasury the fallen heroes memorials construction fund, referred to in this section as the "fund". The fund shall consist of:

~~(f) All general fund moneys appropriated to the fund; and~~

~~(H) All private and public funds received through gifts, grants, or donations for the design or construction of fallen heroes memorials.~~

~~(b) Any moneys in the fund not expended for the purpose of this section may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.~~

~~(c) Once the preservation trust committee determines that appropriate memorials have been erected, the committee may request that the treasurer transfer, and the treasurer shall transfer, any moneys remaining in the fund to the Colorado veterans' monument preservation trust fund created pursuant to section 24-80-1401.~~

~~(4) This section is repealed, effective July 1 of the year following the receipt by the revisor of statutes of certification from the executive director of the department of personnel that the appropriate memorials have been erected and any moneys remaining in the fund have been transferred pursuant to paragraph (c) of subsection (3) of this section.~~

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

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

(3) The advisory committee shall have the following duties:

(i) (I) THE ADVISORY COMMITTEE SHALL BE RESPONSIBLE FOR ANY REMAINING DUTIES OF THE FORMER FALLEN HEROES MEMORIAL COMMISSION AS IT EXISTED IN SECTION 24-80-1402 PRIOR TO ITS REPEAL. THE ADVISORY COMMITTEE SHALL PERFORM ANY REMAINING DUTIES WITH THE ASSISTANCE OF THE DEPARTMENT OF PERSONNEL AND A COLORADO 501(c)(3) ORGANIZATION CREATED FOR THE PURPOSE OF RAISING FUNDS FOR THE CONSTRUCTION OF THE FALLEN HEROES MEMORIAL.

(II) THIS SUBSECTION (3)(i) IS REPEALED, EFFECTIVE JULY 1 OF THE YEAR FOLLOWING THE RECEIPT BY THE REVISOR OF STATUTES OF CERTIFICATION FROM THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL THAT THE APPROPRIATE MEMORIALS HAVE BEEN CONSTRUCTED.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 30, 2017