

## CHAPTER 188

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**MILITARY AND VETERANS**

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## SENATE BILL 21-015

BY SENATOR(S) Cooke and Garcia, Bridges, Buckner, Coram, Danielson, Donovan, Fenberg, Fields, Ginal, Gonzales, Hansen, Hisey, Jaquez Lewis, Kolker, Lee, Liston, Moreno, Pettersen, Rankin, Rodriguez, Simpson, Sonnenberg, Story, Winter, Zenzinger; also REPRESENTATIVE(S) Ortiz and Lynch, Bacon, Benavidez, Bennett, Bird, Bockenfeld, Boesenecker, Caraveo, Cutter, Duran, Exum, Froelich, Gonzales-Gutierrez, Hooton, Kipp, Lontine, McCormick, Michaelson Jenet, Ricks, Roberts, Snyder, Sullivan, Titone, Valdez A., Valdez D., Young.

**AN ACT**

**CONCERNING A STIPEND FOR VETERANS SERVICE ORGANIZATIONS THAT PROVIDE FUNERAL SERVICES FOR HONORABLY DISCHARGED VETERANS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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

(a) Rendering of military funeral honors is a way to show the nation's deep gratitude to those who have faithfully defended our country in times of war and peace; and

(b) The ceremonial paying of respect is the final demonstration that a grateful nation can provide to a veteran's family.

**SECTION 2.** In Colorado Revised Statutes, **add** 28-5-507 as follows:

**28-5-507. Veterans service organization stipend - funeral services - process - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CONGRESSIONALLY CHARTERED VETERANS SERVICE ORGANIZATION" MEANS AN ORGANIZATION THAT AIDS AND SERVES VETERANS AND SERVICE MEMBERS AND THEIR DEPENDENTS AND SURVIVORS, HAS BEEN GRANTED A CHARTER BY THE UNITED STATES CONGRESS THROUGH THE ENACTMENT OF A PUBLIC LAW, AND IS

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*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.*

INCLUDED IN THE LIST OF PATRIOTIC AND NATIONAL ORGANIZATIONS IN 36 U.S.C. SEC. 20101, ET SEQ.

(b) "DEPARTMENT" MEANS THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS CREATED AND EXISTING PURSUANT TO SECTION 24-1-127.

(c) "LOCAL VETERANS SERVICE ORGANIZATION" MEANS AN AUXILIARY, LOCAL UNIT, OR DIVISION OF A CONGRESSIONALLY CHARTERED VETERANS SERVICE ORGANIZATION, OPERATING IN COLORADO.

(2) (a) THE DEPARTMENT SHALL PAY, SUBJECT TO AVAILABLE APPROPRIATIONS, UP TO SEVENTY-FIVE DOLLARS, REFERRED TO IN THIS SECTION AS A "STIPEND", TO A LOCAL VETERANS SERVICE ORGANIZATION FOR EACH TIME THE ORGANIZATION PROVIDES AN HONOR GUARD DETAIL TO PERFORM ANY OF THE FOLLOWING SERVICES AT THE FUNERAL OF A DECEASED HONORABLY DISCHARGED VETERAN:

(I) A BASIC MILITARY FUNERAL HONORS CEREMONY, AS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION; OR

(II) ANY OTHER FUNERAL-RELATED SERVICES AND PERSONNEL, INCLUDING BUT NOT LIMITED TO PALLBEARERS, RIFLE TEAMS, AND CHAPLAIN OR RELIGIOUS SERVICES.

(b) THE DEPARTMENT SHALL PAY A SEVENTY-FIVE-DOLLAR STIPEND TO A LOCAL VETERANS SERVICE ORGANIZATION FOR SERVICES PERFORMED AT EACH FUNERAL BUT MAY DECREASE THE AMOUNT OF THE STIPEND PAID FOR SERVICES PERFORMED AT A SECOND OR SUBSEQUENT FUNERAL WHEN AN ORGANIZATION PERFORMS SERVICES AT MORE THAN ONE FUNERAL ON THE SAME DAY. WHEN DETERMINING THE AMOUNT OF THE STIPEND FOR SERVICES AT A SECOND OR SUBSEQUENT FUNERAL, THE DEPARTMENT SHALL CONSIDER THE ACTUAL EXPENSES INCURRED BY THE ORGANIZATION AND ITS MEMBERS FOR PROVIDING THE SERVICES, INCLUDING MILEAGE AND TRANSPORTATION COSTS AND MEALS.

(c) IN ORDER TO RECEIVE A STIPEND FOR PROVIDING SERVICES AT A FUNERAL, A LOCAL VETERANS SERVICE ORGANIZATION MUST REQUEST THE STIPEND PURSUANT TO THE PROCESS ESTABLISHED BY THE DEPARTMENT.

(3) (a) THE BASIC MILITARY FUNERAL HONORS CEREMONY FOR A VETERAN CONSISTS OF FOLDING AND PRESENTING THE UNITED STATES FLAG TO THE VETERAN'S FAMILY, IF FAMILY MEMBERS ARE AVAILABLE, AND PLAYING TAPS. TAPS MUST BE PLAYED BY A BUGLER OR, IF A BUGLER IS NOT AVAILABLE, BY USING A HIGH-QUALITY RECORDED VERSION.

(b) IF THE LOCAL VETERANS SERVICE ORGANIZATION PROVIDES A STUDENT TO PLAY TAPS, THE ORGANIZATION MAY PAY SOME OR ALL OF THE SEVENTY-FIVE DOLLARS TO THE STUDENT.

(4) ON OR BEFORE JANUARY 15, 2022, THE DEPARTMENT SHALL CREATE A PROCESS FOR A LOCAL VETERANS SERVICE ORGANIZATION TO APPLY FOR AND RECEIVE A STIPEND. IN ADDITION TO ANY OTHER REQUIREMENTS, THE PROCESS MUST REQUIRE THE ORGANIZATION TO:

(a) REQUEST THE STIPEND WITHIN FIFTEEN DAYS AFTER PROVIDING THE FUNERAL SERVICES;

(b) PROVIDE THE NAME OF THE DECEASED VETERAN FOR WHICH THE SERVICES WERE PERFORMED;

(c) DESCRIBE THE SERVICES PERFORMED; AND

(d) IF THE ORGANIZATION IS SEEKING A STIPEND FOR SERVICES PERFORMED AT A SECOND OR SUBSEQUENT FUNERAL ON THE SAME DAY AS ANOTHER FUNERAL, SUBMIT THE AMOUNT OF ACTUAL EXPENSES INCURRED BY THE ORGANIZATION AND ITS MEMBERS FOR PROVIDING THE SERVICES, INCLUDING MILEAGE AND TRANSPORTATION COSTS AND MEALS.

(5) (a) FOR THE 2021-22 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWENTY THOUSAND DOLLARS TO THE DEPARTMENT FOR THE PURPOSES OF THIS SECTION.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2022.

**SECTION 3. Appropriation.** For the 2021-22 state fiscal year, \$30,930 is appropriated to the department of military and veterans affairs for use by the division of veterans affairs. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.3 FTE. To implement this act, the division may use this appropriation for the western slope veterans cemetery.

**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; 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 27, 2021