

## CHAPTER 282

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**MILITARY AND VETERANS**

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**HOUSE BILL 97-1320**

BY REPRESENTATIVES K. Alexander, Smith, Entz, G. Berry, Dyer, George, Miller, Sullivant, Taylor, Dean, Epps, Gordon, Hagedorn, Kaufman, Mace, May, McPherson, Musgrave, Pankey, Schauer, Schwarz, Takis, Tool, Tupa, and Udall; also SENATORS B. Alexander, Ament, Arnold, Bishop, Blickensderfer, Chlouber, Coffinan, Congrove, Dennis, Duke, Feeley, Hernandez, Hopper, J. Johnson, Lacy, Linkhart, Martinez, Matsunaka, Norton, Pascoe, Perlmutter, Phillips, Powers, Reeves, Rizzuto, Rupert, Schroeder, Tanner, Tebedo, Thiebaut, Wattenberg, Weddig, Wells, and Wham.

**AN ACT**

CONCERNING THE ESTABLISHMENT OF A VETERANS' CEMETERY ON THE WESTERN SLOPE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

**SECTION 1. Legislative declaration.** The general assembly recognizes the value that military veterans have provided to this state and the sacrifice that military veterans endured to preserve this great land. The general assembly also recognizes that there is no veterans' cemetery to serve approximately fifty thousand military veterans who reside on the western slope of Colorado. The general assembly believes that the state owes a duty to all of its military veterans to assist in providing adequate burial facilities close to where surviving relatives of deceased military veterans reside. The general assembly, therefore, declares that the purpose of this act is to authorize the establishment of a veterans' cemetery on the western slope.

**SECTION 2.** Article 10 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**26-10-110. Western slope veterans' cemetery - fund - rules - repeal.**

(1) (a) IN ORDER TO ESTABLISH A VETERAN'S CEMETERY ON THE WESTERN SLOPE, THE COLORADO BOARD OF VETERANS AFFAIRS SHALL APPOINT A WESTERN SLOPE MILITARY VETERANS' CEMETERY ADVISORY COMMITTEE OF NOT LESS THAN FIVE NOR MORE THAN SEVEN MEMBERS REPRESENTING VETERANS RESIDING ON THE WESTERN

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

SLOPE. ALL EXPENSES OF THE ADVISORY COMMITTEE SHALL BE PAID FROM THE WESTERN SLOPE MILITARY VETERANS' CEMETERY FUND ESTABLISHED IN SUBSECTION (2) OF THIS SECTION, AND SHALL NOT BE PAID FROM STATE GENERAL FUNDS. ON OR BEFORE NOVEMBER 1, 1997, THE WESTERN SLOPE MILITARY VETERANS' CEMETERY ADVISORY COMMITTEE SHALL SUBMIT A REPORT TO THE COLORADO BOARD OF VETERANS AFFAIRS. THE REPORT SHALL INCLUDE BUT NOT BE LIMITED TO:

(I) THE APPROPRIATE SIZE, LOCATION, AND POTENTIAL SITES FOR A STATE VETERANS' CEMETERY IN COLORADO ON THE WESTERN SIDE OF THE CONTINENTAL DIVIDE, REFERRED TO IN THIS SECTION AS THE "STATE VETERANS' CEMETERY";

(II) THE ANTICIPATED COSTS AND OPTIONS FOR THE ACQUISITION, PREPARATION, DEVELOPMENT, AND CONSTRUCTION OF THE CEMETERY;

(III) THE ANTICIPATED COSTS AND OPTIONS FOR ONGOING MAINTENANCE OF THE CEMETERY;

(IV) DEVELOPING A PLAN FOR RAISING SUFFICIENT MONEYS FROM DONATIONS, GRANTS, AND FEDERAL APPROPRIATIONS TO ACQUIRE AND OPERATE THE STATE VETERANS' CEMETERY;

(V) DEVELOPING PLANS FOR RAISING FUNDS FOR THE WESTERN SLOPE MILITARY VETERANS' CEMETERY FUND CREATED IN SUBSECTION (2) OF THIS SECTION;

(VI) RECOMMENDATIONS ON APPLICATIONS FOR ANY AVAILABLE FEDERAL FUNDS AND DONATIONS AND GRANTS OF LAND AND PROPERTY FOR THE DEVELOPMENT AND OPERATION OF THE STATE VETERANS' CEMETERY; AND

(VII) RECOMMENDATIONS ON ELIGIBILITY FOR INTERMENT IN THE CEMETERY.

(b) WITHIN THIRTY DAYS AFTER RECEIPT OF THE REPORT PREPARED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE COLORADO BOARD OF VETERANS AFFAIRS SHALL SUBMIT ITS RECOMMENDATIONS TO THE CAPITAL DEVELOPMENT COMMITTEE ESTABLISHED IN SECTION 2-3-1302, C.R.S. SUCH RECOMMENDATIONS SHALL INCLUDE BUT NOT BE LIMITED TO:

(I) THE PROPOSED SITE AND SIZE FOR THE CEMETERY;

(II) A PLAN FOR THE ACQUISITION, PREPARATION, DEVELOPMENT, AND CONSTRUCTION OF THE CEMETERY;

(III) A PLAN FOR THE ONGOING MAINTENANCE OF THE CEMETERY; AND

(IV) PROPOSALS FOR PAYING THE INITIAL AND FUTURE COSTS OF THE CEMETERY.

(c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 1998.

(2) (a) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE WESTERN SLOPE MILITARY VETERANS' CEMETERY FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE DIVISION IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, CONTRIBUTIONS, AND DONATIONS FOR THE PURPOSES OF THIS SECTION. THE FUND SHALL CONSIST OF

SUCH MONEYS RECEIVED THROUGH GIFTS, DONATIONS, CONTRIBUTIONS, OR GRANTS FROM ANY PERSON OR ENTITY. ANY INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(b) THE GENERAL ASSEMBLY SHALL MAKE APPROPRIATIONS FROM THE FUND TO THE DIVISION FOR THE IMPLEMENTATION OF THIS SECTION.

(c) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIVISION MAY CONTRACT FOR PROFESSIONAL SERVICES NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

(3) NO GENERAL FUND MONEYS AND NO ADDITIONAL STATE EMPLOYEES SHALL BE USED TO CREATE OR MAINTAIN THE STATE VETERANS' CEMETERY.

**SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the western slope cemetery cash fund created in section 26-10-110, Colorado Revised Statutes, not otherwise appropriated, to the department of human services for the allocation to the division of veterans affairs, for the fiscal year beginning July 1, 1997, the sum of one hundred fifteen thousand dollars (\$115,000), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 4. 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: June 5, 1997