

CHAPTER 212

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 99-1333

BY REPRESENTATIVES Alexander, Dean, Berry, Chavez, Clarke, Gagliardi, George, Gordon, Larson, Leyba, Mace, Miller, Saliman, Smith, Tapia, Taylor, Veiga, Coleman, Hagedorn, Hefley, Keller, Lee, May, McElhany, McKay, Paschall, Pfiffner, Scott, Stengel, Webster, S. Williams, and Witwer;
also SENATORS Epps, Dyer, Chlouber, Congrove, Feeley, Hernandez, Hillman, Lamborn, Martinez, Musgrave, Powers, Rupert, Teck, Weddig, and Wham.

AN ACT

CONCERNING THE DEVELOPMENT OF A WESTERN SLOPE STATE MILITARY VETERANS' CEMETERY, AND
MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Article 22 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 19
WESTERN SLOPE MILITARY VETERANS' CEMETERY
VOLUNTARY CONTRIBUTION

39-22-1901. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THERE IS NO VETERANS' CEMETERY TO SERVE THE 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 FURTHER FINDS THAT THE FEDERAL DEPARTMENT OF VETERANS AFFAIRS WILL REIMBURSE THE STATE FOR ONE HUNDRED PERCENT OF THE COSTS TO ESTABLISH, EXPAND, OR IMPROVE A STATE VETERANS' CEMETERY. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT CITIZENS OF COLORADO MAY BE WILLING TO PROVIDE ADDITIONAL FUNDS FOR THE OPERATION AND MAINTENANCE OF SUCH CEMETERY IF GIVEN THE OPPORTUNITY. THEREFORE, THE GENERAL ASSEMBLY HAS ENACTED THIS PART 19 TO PROVIDE FUNDING TO THE WESTERN SLOPE MILITARY VETERANS' CEMETERY FUND THROUGH VOLUNTARY CONTRIBUTIONS ON STATE INDIVIDUAL INCOME TAX RETURNS.

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

39-22-1902. Voluntary contribution designation - procedure. FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 1999, BUT PRIOR TO JANUARY 1, 2002, EACH COLORADO STATE INDIVIDUAL INCOME TAX RETURN FORM SHALL CONTAIN A LINE WHEREBY EACH INDIVIDUAL TAXPAYER MAY DESIGNATE THE AMOUNT OF THE CONTRIBUTION, IF ANY, SUCH INDIVIDUAL WISHES TO MAKE TO THE WESTERN SLOPE MILITARY VETERANS' CEMETERY FUND CREATED IN SECTION 26-10-110(2) (a), C.R.S. SUCH MONEYS CREDITED TO THE FUND SHALL BE USED FOR THE OPERATION AND MAINTENANCE OF A WESTERN SLOPE MILITARY VETERANS' CEMETERY PURSUANT TO SECTION 26-10-110, C.R.S.

39-22-1903. Contributions credited to the fund - appropriation. THE DEPARTMENT OF REVENUE SHALL DETERMINE ANNUALLY THE TOTAL AMOUNT DESIGNATED PURSUANT TO SECTION 39-22-1902 AND SHALL REPORT SUCH AMOUNT TO THE STATE TREASURER AND TO THE GENERAL ASSEMBLY. THE STATE TREASURER SHALL CREDIT SUCH AMOUNT TO THE WESTERN SLOPE MILITARY VETERANS' CEMETERY FUND CREATED IN SECTION 26-10-110 (2) (a), C.R.S.

39-22-1904. Repeal of part. (1) THIS PART 19 IS REPEALED, EFFECTIVE JANUARY 1, 2002.

(2) PRIOR TO THE REPEAL OF THIS PART 19, A COMMITTEE OF REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY SHALL HOLD A HEARING ON WHETHER THE VOLUNTARY CONTRIBUTION SHOULD BE CONTINUED.

SECTION 2. 26-10-106 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-10-106. Duties. (1) The division, in accordance with its rules and regulations, shall perform the following duties and functions:

(g) PREPARE, DEVELOP, CONSTRUCT, AND MAINTAIN A STATE MILITARY VETERANS' CEMETERY PURSUANT TO SECTION 26-10-110 AND SEEK REIMBURSEMENT FROM THE FEDERAL DEPARTMENT OF VETERANS AFFAIRS FOR ALL ALLOWABLE COSTS FOR SUCH PROJECT AS PERMITTED BY FEDERAL LAW.

SECTION 3. 26-10-110 (2) (b) and (3), Colorado Revised Statutes, are amended, and the said 26-10-110 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

26-10-110. Western slope veterans' cemetery - fund - rules. (2) (b) ~~The general assembly shall make appropriations from the fund to the division 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.~~

(4) (a) THE GENERAL ASSEMBLY HEREBY AUTHORIZES THE ESTABLISHMENT AND MAINTENANCE OF A STATE MILITARY VETERANS' CEMETERY FOR THE WESTERN SLOPE, REFERRED TO IN THIS SECTION AS THE "CEMETERY". THE DIVISION IS DIRECTED TO PREPARE, DEVELOP, CONSTRUCT, AND MAINTAIN SUCH CEMETERY AT THE SITE DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (5) OF THIS SECTION. THE DIVISION

MAY ENTER INTO CONTRACTS OR AGREEMENTS WITH ANY PERSON OR PUBLIC OR PRIVATE ENTITY TO PREPARE, DEVELOP, CONSTRUCT, OPERATE, AND MAINTAIN SUCH CEMETERY. THE CEMETERY SHALL BE FOR THE PURPOSE OF PROVIDING FOR THE INTERMENT OF COLORADO RESIDENTS WHO ARE MILITARY VETERANS AND THEIR SPOUSES AND DEPENDENTS, AS DETERMINED BY THE DIVISION. IN ADDITION, THE STATE BOARD OF HUMAN SERVICES BY RULE MAY PERMIT THE INTERMENT OF OTHER VETERANS AND THEIR SPOUSES AND DEPENDENTS IN THE CEMETERY AND PERMIT THE DIVISION TO ASSESS A REASONABLE FEE FOR THE INTERMENT OF SUCH NON-COLORADO RESIDENTS. ALL SUCH FEES COLLECTED SHALL BE CREDITED TO THE CEMETERY FUND CREATED PURSUANT TO SECTION 26-10-110 (2) (a). THE STATE BOARD OF HUMAN SERVICES, IN CONSULTATION WITH THE BOARD, SHALL PROMULGATE SUCH RULES AS MAY BE NECESSARY TO ESTABLISH AND MAINTAIN THE CEMETERY IN COMPLIANCE WITH APPLICABLE STATE AND FEDERAL STATUTES AND RULES.

(b) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS FROM THE GENERAL FUND FOR THE IMPLEMENTATION OF THIS SECTION. IF, AS OF JANUARY 1, 2002, THERE ARE MONEYS REMAINING IN THE APPROPRIATION, IF ANY, THAT BECOMES AVAILABLE JULY 1, 1999, AFTER ALL COSTS FOR DESIGN AND CONSTRUCTION OF THE CEMETERY ARE PAID OR OTHERWISE COMMITTED, SUCH MONEYS SHALL REVERT TO THE GENERAL FUND, UP TO THE AMOUNT APPROPRIATED FROM THE GENERAL FUND BY THE GENERAL ASSEMBLY. ANY SUCH MONEYS IN EXCESS OF THE AMOUNT APPROPRIATED FROM THE GENERAL FUND BY THE GENERAL ASSEMBLY SHALL BE TRANSFERRED TO THE FUND, AND NOT REVERT TO THE GENERAL FUND.

(5) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT ANY USE OF THE PROPERTY DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (5) AS THE CEMETERY IS FOR A PUBLIC PURPOSE EXPRESSLY AUTHORIZED BY THE GENERAL ASSEMBLY AND THEREFORE PERMISSIBLE UNDER ANY GRANT OF RIGHT-OF-WAY APPLICABLE TO SUCH PROPERTY EXECUTED BY THE STATE BOARD OF LAND COMMISSIONERS.

(b) THE DIVISION, IN PREPARING, DEVELOPING, CONSTRUCTING, AND MAINTAINING THE CEMETERY, MAY USE FOR SUCH PURPOSES A PARCEL CONSISTING OF APPROXIMATELY TWENTY ACRES OF UNIMPROVED PROPERTY WITHIN THE EASTERN PORTION OF THE REAL PROPERTY KNOWN AS THE GRAND JUNCTION REGIONAL CENTER AND SHALL ENTER INTO ALL NECESSARY AGREEMENTS TO SECURE THE APPROPRIATE PROPERTY RIGHTS FOR SUCH PARCEL.

(6) THE DIVISION IS HEREBY AUTHORIZED TO PROVIDE FOR SURVEYS, ENGINEERING STUDIES, CONCEPTUAL AND ARCHITECTURAL PLANS, ENVIRONMENTAL IMPACT STUDIES, AND OTHER SIMILAR PRELIMINARY DESIGN AND CONSTRUCTION WORK AS PART OF THE PRE-APPLICATION FOR FUNDING APPROVAL BY THE FEDERAL DEPARTMENT OF VETERANS AFFAIRS FOR THE CEMETERY. THE DIVISION IS AUTHORIZED TO SEEK FULL REIMBURSEMENT FOR SUCH PRE-APPLICATION AND DESIGN WORK FROM THE FEDERAL DEPARTMENT OF VETERANS AFFAIRS.

(7) IN ADDITION TO ANY OTHER APPROPRIATION, THE GENERAL ASSEMBLY SHALL APPROPRIATE ANNUALLY FROM THE FUND TO THE DEPARTMENT OF HUMAN SERVICES, FOR ALLOCATION TO THE DIVISION FOR ANY COSTS ASSOCIATED WITH THE OPERATION AND MAINTENANCE OF THE CEMETERY AND FOR THE IMPLEMENTATION OF THIS

SECTION. SUCH APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY SHALL NOT EXCEED MONEYS IN THE FUND WHICH ARE AVAILABLE FOR APPROPRIATION.

SECTION 4. Appropriation - adjustment in 1999 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for allocation to the division of veterans affairs, for the fiscal year beginning July 1, 1999, the sum of three hundred thousand dollars (\$300,000), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 1999, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by three hundred thousand dollars (\$300,000).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by three hundred thousand dollars (\$300,000).

(3) The moneys appropriated in subsection (1) of this section shall become available July 1, 1999, and shall remain available until June 30, 2002.

(4) In addition to any other appropriation, there is hereby appropriated, to the department of revenue, for the fiscal year beginning July 1, 1999, the sum of sixty-one thousand two hundred dollars (\$61,200), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from the western slope veterans' cemetery fund created pursuant to section 26-10-110, Colorado Revised Statutes.

SECTION 5. 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: May 21, 1999