

CHAPTER 87

MILITARY AND VETERANS

SENATE BILL 02-100

BY SENATOR(S) Thiebaut, Entz, May, Nichol, Takis, Teck, and Cairns;
also REPRESENTATIVE(S) Tapia, Alexander, Cadman, Cloer, Coleman, Decker, Fairbank, Garcia, Groff, Harvey, Hefley,
Hoppe, Jahn, Kester, Lawrence, Lee, Mace, Marshall, Miller, Romanoff, Saliman, Sanchez, Schultheis, Stafford, Vigil, and
Williams S.

AN ACT**CONCERNING THE INTERMENT OF DECEASED VETERANS.**

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

SECTION 1. Part 5 of article 5 of title 28, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**PART 5
INTERMENT OF VETERANS**

28-5-501. Short title. THIS PART 5 SHALL BE KNOWN AND MAY BE CITED AS THE "INTERMENT OF DECEASED VETERANS ACT OF 2002".

28-5-502. Interment of deceased veterans. (1) IT IS THE DUTY OF THE COUNTY COMMISSIONERS IN EACH COUNTY OF THIS STATE TO DESIGNATE SOME PROPER PERSON IN EACH COUNTY WHOSE DUTY IT IS TO CAUSE THE DECENT INTERMENT OF THE BODIES OF HONORABLY DISCHARGED MILITARY PERSONNEL:

(a) (I) WHO DIED WITHOUT LEAVING SUFFICIENT MEANS TO DEFRAY FUNERAL EXPENSES; OR

(II) WHO DIED LEAVING A FAMILY IN INDIGENT CIRCUMSTANCES; AND

(b) (I) WHO SERVED IN ANY BRANCH OF THE ARMED FORCES OF THE UNITED STATES DURING ANY PERIOD OF ANY DECLARED OR ANY UNDECLARED WAR OR OTHER ARMED HOSTILITIES AGAINST AN ARMED FOREIGN ENEMY; OR

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

(II) WHO SERVED ON ACTIVE DUTY IN ANY BRANCH OF THE ARMED SERVICES IN ANY CAMPAIGN OR EXPEDITION FOR WHICH A CAMPAIGN BADGE IS AUTHORIZED.

(2) SUCH BURIAL SHALL NOT BE MADE IN THAT PORTION OF ANY CEMETERY OR BURIAL GROUND USED EXCLUSIVELY FOR THE BURIAL OF THE PAUPER DEAD. EACH COUNTY, BY RESOLUTION OF ITS BOARD OF COUNTY COMMISSIONERS, SHALL ESTABLISH THE MAXIMUM EXPENSE TO THE COUNTY FOR EACH BURIAL, EXCLUSIVE OF ANY FEDERAL FUNDS PROVIDED FOR SUCH PURPOSES. IN CASE THE DECEASED HAS RELATIVES OR FRIENDS WHO DESIRE TO CONDUCT THE FUNERAL SERVICES, THEY SHALL BE PERMITTED TO DO SO, AND THE EXPENSES SHALL BE PAID AS PROVIDED IN THIS SECTION.

28-5-503. Headstone to mark graves. THE COUNTY COMMISSIONERS SHALL ALSO SEE THAT HEADSTONES FURNISHED BY THE VETERANS ADMINISTRATION OR FURNISHED ON BEHALF OF THE VETERANS DESCRIBED IN SECTION 28-5-502 SHALL BE SET AT THE EXPENSE OF THE COUNTY. EACH COUNTY, BY RESOLUTION OF ITS BOARD OF COUNTY COMMISSIONERS, SHALL ESTABLISH THE MAXIMUM EXPENSE TO THE COUNTY FOR SETTING SUCH HEADSTONES.

28-5-504. County of residence. IF THE EXPENSES OF BURIAL AND SETTING OF HEADSTONES ARE PAID BY THE COUNTY IN WHICH THE DECEASED PERSON IS BURIED, BUT SUCH DECEASED PERSON RESIDED IN ANOTHER COUNTY IN THIS STATE AT THE TIME OF DEATH, THE COUNTY OF RESIDENCE SHALL REIMBURSE SUCH EXPENSES TO THE COUNTY WHEREIN THE DECEASED IS BURIED. SUCH EXPENSES SHALL BE AUDITED AND PAID AS OTHER ACCOUNTS ARE AUDITED AND PAID BY THE COUNTY.

28-5-505. Cemetery subdivision - state may acquire and maintain. THE STATE HAS AUTHORITY TO ACQUIRE, ESTABLISH, MAINTAIN, AND IMPROVE IN ANY CEMETERY IN THE STATE A SUITABLE SUBDIVISION TO BE USED AS A BURIAL PLACE FOR HONORABLY DISCHARGED VETERANS. SUCH SUBDIVISION SHALL CONSIST OF LOTS, EACH OF SUFFICIENT AREA TO ACCOMMODATE AT LEAST EIGHT INTERMENTS OF DECEASED VETERANS. NO CHARGE SHALL BE MADE FOR BURIAL SPACE IN SUCH SUBDIVISION.

28-5-506. Care and custody of cemetery subdivision. THE CARE, CUSTODY, MAINTENANCE, IMPROVEMENT, MANAGEMENT, AND CONTROL OF THE SUBDIVISION REFERRED TO IN SECTION 28-5-505 MAY BE VESTED BY THE STATE IN THE CITY, TOWN, CITY AND COUNTY, OR COUNTY WHERE THE SUBDIVISION IS ESTABLISHED, BUT SUCH VESTMENT MAY ALSO BE DELEGATED BY THE STATE TO A MILITARY VETERAN SERVICE ORGANIZATION.

SECTION 2. 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: April 12, 2002