

CHAPTER 299

MILITARY AND VETERANS

HOUSE BILL 03-1249

BY REPRESENTATIVE(S) Sinclair, May M., Ragsdale, Cloer, Frangas, Schultheis, and Weddig;
also SENATOR(S) Lamborn.

AN ACT

**CONCERNING THE POWERS OF THE ADJUTANT GENERAL, AND, IN CONNECTION THEREWITH,
AUTHORIZING THE APPOINTMENT OF ASSISTANT ADJUTANT GENERALS, THE RECEIPT OF GIFTS,
GRANTS, AND DONATIONS, AND THE PUBLIC OR PRIVATE USE OF DISTANCE LEARNING FACILITIES.**

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

SECTION 1. 28-3-105 (4), Colorado Revised Statutes, is amended to read:

28-3-105. Adjutant general - assistants. (4) ~~He or she~~ THE ADJUTANT GENERAL may appoint an assistant adjutant general ~~a state quartermaster, and~~ FOR ARMY, AN ASSISTANT ADJUTANT GENERAL FOR AIR, AND AN ASSISTANT ADJUTANT GENERAL FOR SPACE. THE ADJUTANT GENERAL MAY APPOINT OTHER ASSISTANT ADJUTANT GENERALS THAT MAY BE AUTHORIZED BY THE FEDERAL NATIONAL GUARD BUREAU OR AS AUTHORIZED BY THE GOVERNOR. IN ADDITION, THE ADJUTANT GENERAL MAY APPOINT ANY necessary administrative and clerical assistants.

SECTION 2. 28-3-106 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

28-3-106. Powers and duties of adjutant general - repeal. (1) The adjutant general has the following powers and duties:

(x) THE ADJUTANT GENERAL IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, OR DONATIONS OF ANY KIND FROM ANY PRIVATE SOURCE OR FROM ANY GOVERNMENTAL UNIT IN ORDER TO CARRY OUT THE FUNCTIONS AND DUTIES SET FORTH IN THIS TITLE SUBJECT TO THE CONDITIONS UPON WHICH THE GIFTS, GRANTS, OR DONATIONS ARE MADE; EXCEPT THAT NO GIFT, GRANT, OR DONATION SHALL BE ACCEPTED IF THE CONDITIONS ATTACHED THERETO REQUIRE THE USE OR EXPENDITURE THEREOF IN A MANNER CONTRARY TO LAW OR REQUIRE EXPENDITURES FROM THE GENERAL FUND

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

UNLESS SUCH EXPENDITURES ARE APPROVED BY THE GENERAL ASSEMBLY.

(y) THE ADJUTANT GENERAL MAY MAKE AVAILABLE FOR PUBLIC OR PRIVATE USE ANY DISTANCE LEARNING AUDIO AND VIDEO FACILITIES LOCATED WITHIN THE STATE. SUCH PUBLIC OR PRIVATE USE SHALL BE SUBJECT TO REASONABLE FEES FOR THE COSTS, INCLUDING REPAIR, REPLACEMENT, AND SALARIES INVOLVED IN THE USE OF THE FACILITIES, AS WELL AS MAINTENANCE AND OPERATION OF THE FACILITIES AND EQUIPMENT.

SECTION 3. Part 1 of article 3 of title 28, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

28-3-107. Department of military and veterans affairs fund - creation. ANY GIFTS, GRANTS, AND DONATIONS ACCEPTED BY THE ADJUTANT GENERAL PURSUANT TO SECTION 28-3-106 (1) (x) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE INVESTED BY THE STATE TREASURER AS PROVIDED IN SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT OR BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR BE TRANSFERRED TO ANY OTHER FUND. ANY INTEREST OR INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED TO THE GENERAL FUND. MONEYS IN THE FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR USE BY THE ADJUTANT GENERAL TO CARRY OUT THE FUNCTIONS AND DUTIES SET FORTH IN THIS TITLE.

28-3-108. Distance learning cash fund - creation. THERE IS HEREBY CREATED IN THE STATE TREASURY THE DISTANCE LEARNING CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND", WHICH SHALL CONSIST OF THE CASH FEES GENERATED BY THE PUBLIC AND PRIVATE USE OF DISTANCE LEARNING FACILITIES PURSUANT TO SECTION 28-3-106 (1) (y). THE MONEYS IN THE FUND SHALL BE INVESTED BY THE STATE TREASURER AS PROVIDED IN SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT OR BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR BE TRANSFERRED TO ANY OTHER FUND. ANY INTEREST OR INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED TO THE GENERAL FUND. THE MONEYS IN THE FUND SHALL BE CONTINUOUSLY APPROPRIATED AND SHALL BE USED TO DEFRAY THE COSTS ASSOCIATED WITH OPERATING THE DISTANCE LEARNING FACILITIES AND EQUIPMENT. SUCH COSTS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, REPAIR, REPLACEMENT, AND SALARIES INVOLVED IN THE USE OF SAID FACILITIES AS WELL AS THE MAINTENANCE AND OPERATION OF THE FACILITIES AND EQUIPMENT.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition

is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 22, 2003