

## CHAPTER 189

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**MILITARY AND VETERANS**


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**HOUSE BILL 05-1083**

BY REPRESENTATIVE(S) Balmer, Berens, Buescher, Butcher, Coleman, Crane, Frangas, Gallegos, Green, Knoedler, Lundberg, McFadyen, Merrifield, Schultheis, Stafford, Todd, and Sullivan;  
also SENATOR(S) Hanna, Shaffer, Spence, Taylor, Teck, Tochtrop, Tupa, and Wiens.

**AN ACT****CONCERNING CHANGES TO THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS.**

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

**SECTION 1.** 28-3-106 (1) (s) (I), Colorado Revised Statutes, is amended to read:

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

(s) (I) If, in the judgment of the adjutant general, any real estate which has been acquired for military purposes is unsuitable for military purposes, the adjutant general, by and with the approval of the governor, in writing, has authority to sell, trade, or otherwise dispose of such real estate, but, except as otherwise provided by subparagraph (II) of this paragraph (s), such real estate shall not be disposed of for less than its appraised value. The appraised value of such real estate shall be determined by an appraiser who is registered, licensed, or certificated pursuant to part 7 of article 61 of title 12, C.R.S., and who is selected by the ~~governor~~ ADJUTANT GENERAL from a list of three qualified individuals submitted to the ~~governor~~ ADJUTANT GENERAL by the department. ~~If the governor does not select an appraiser within thirty days after the list is submitted, the department is authorized to select an appraiser from the list.~~ Appraisers shall be selected for the list, and their fees shall be negotiated in accordance with the standards established by part 14 of article 30 of title 24, C.R.S. The adjutant general, by and with the advice and approval of the governor, is authorized to lease any property belonging to the department when it is not needed for the immediate use of the department. All conveyances which are required for the purpose of this section shall be executed by the governor under the seal of the state, and the proceeds of all sales, trades, or other disposition shall be placed in an account to be invested by the state treasurer as provided in section

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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.*

24-36-113, C.R.S. Any interest earned on the investment or deposit of such proceeds shall remain in such account and shall not be credited to the general fund or any other fund of the state. Said proceeds and any interest thereon shall be disbursed by authority of the adjutant general, subject to appropriation by the general assembly, only for the ~~acquisition, construction, repair, and improvements~~ IMPROVEMENT, ACQUISITION, OR COSTS OF ACQUISITION OR SALE of armories throughout the state. COSTS OF ACQUISITION OR SALE SHALL INCLUDE BUT NEED NOT BE LIMITED TO APPRAISALS, SITE SURVEYS, ENVIRONMENTAL SURVEYS, TITLE WORK, PROPERTY INSPECTIONS, CLOSING COSTS, LEGAL FEES, REAL ESTATE FEES, SITE PREPARATION, OR UTILITY STUDIES. Prior to disposing of any real property pursuant to the provisions of this paragraph (s), the adjutant general shall submit a report to the capital development committee which describes such real property, the maintenance costs related to such real property, the current value of such real property, any conditions or limitations which may restrict the use of such real property, and the terms of the proposed disposition of such real property. The capital development committee shall review any such report which is submitted to the capital development committee and shall provide recommendations to the adjutant general concerning the proposed real property disposition within thirty days after the date of receipt of such report. The adjutant general shall not complete any such real property disposition without considering any recommendations of the capital development committee which are provided within such thirty-day period.

**SECTION 2.** 28-3-1204, Colorado Revised Statutes, is amended to read:

**28-3-1204. Active service medal.** A medal, designated as the "active service medal", shall be awarded to any person who is serving with or has served with the national guard of Colorado in any campaign or period of FEDERAL active duty under call or order of the president of the United States. ~~or of the governor of Colorado and for which no campaign medal has previously been awarded by the government of the United States or of the state of Colorado.~~ This medal shall be awarded pursuant to regulations issued by the adjutant general. A clasp showing the dates only of such active service will be worn on the ribbon of the medal, and there shall be one clasp for each separate period of active service.

**SECTION 3.** Part 12 of article 3 of title 28, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**28-3-1216. Command tour ribbon.** A RIBBON, DESIGNATED AS THE "COMMAND TOUR RIBBON", SHALL BE AWARDED TO A COMMAND SERGEANT MAJOR, A COMMAND CHIEF, OR A FIRST SERGEANT WHO HAS BEEN OR IS CURRENTLY ASSIGNED TO ONE OF THOSE DESIGNATED POSITIONS FOR A PERIOD OF NOT LESS THAN TWENTY-FOUR MONTHS AND WHO MEETS ANY ADDITIONAL CRITERIA ESTABLISHED BY THE ADJUTANT GENERAL IN MILITARY REGULATIONS.

**SECTION 4.** 28-3-904, Colorado Revised Statutes, is amended to read:

**28-3-904. Pay and allowances.** Every member of the military forces not salaried as such shall receive from the state, while engaged in any service ordered by the governor, pay and allowances at the rate paid or allowed by law to members of similar rank and length of service in the regular army or regular air force of the United States, as the case may be, but no such member shall receive less than twenty

dollars per day. SUBJECT TO AVAILABLE APPROPRIATIONS, AFTER A MEMBER OF THE MILITARY FORCES HAS BEEN ENGAGED IN SERVICE PURSUANT TO THIS SECTION FOR A PERIOD OF MORE THAN THIRTY CONSECUTIVE DAYS, THE MEMBER SHALL BE ELIGIBLE TO ENROLL IN ANY BENEFIT PLAN CREATED FOR EMPLOYEES OF THE STATE, INCLUDING BUT NOT LIMITED TO STATE EMPLOYEE GROUP BENEFITS PURSUANT TO PART 6 OF ARTICLE 50 OF TITLE 24, C.R.S., AND THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION CREATED PURSUANT TO ARTICLE 51 OF TITLE 24, C.R.S.

**SECTION 5.** 24-50-603 (7), Colorado Revised Statutes, is amended to read:

**24-50-603. Definitions.** As used in this part 6, unless the context otherwise requires:

(7) "Employee" means any officer or employee under the state personnel system of the state of Colorado whose salary is paid by state funds or any employee of the department of education, the Colorado commission on higher education, or the Colorado school for the deaf and the blind whose salary is paid by state funds, OR ANY MEMBER OF THE MILITARY EMPLOYED PURSUANT TO SECTION 28-3-904, C.R.S. "Employee" includes any officer or employee of the legislative or judicial branch, any elected or appointed state official or employee who receives compensation other than expense reimbursement from state funds, any elected state official who does not receive compensation other than expense reimbursement from state funds, and includes any member of the board of assessment appeals. "Employee" does not include persons employed on a temporary basis; EXCEPT THAT IT SHALL INCLUDE A MEMBER OF THE MILITARY EMPLOYED PURSUANT TO SECTION 28-3-904, C.R.S., FOR MORE THAN THIRTY CONSECUTIVE DAYS.

**SECTION 6.** 24-51-310 (1) (a) (III) (A), Colorado Revised Statutes, is amended to read:

**24-51-310. Persons not eligible for membership.** (1) Persons not eligible for membership in the association include:

(a) (III) (A) Any other employees not described in subparagraph (I) or (II) of this paragraph (a) who are not required by federal law to be covered by a public employee retirement system or social security; EXCEPT THAT, A MEMBER OF THE MILITARY EMPLOYED PURSUANT TO SECTION 28-3-904, C.R.S., FOR MORE THAN THIRTY CONSECUTIVE DAYS MAY ELECT TO BECOME A MEMBER OF THE ASSOCIATION IF THE ELECTION IS MADE WITHIN SIXTY DAYS AFTER THE MEMBER FIRST BECOMES ELIGIBLE.

**SECTION 7. 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 27, 2005