

CHAPTER 263

GOVERNMENT - STATE

SENATE BILL 05-240

BY SENATOR(S) Teck, Dyer, Entz, Hanna, Johnson, Kester, Shaffer, Taylor, Tupa, and Wiens;
 also REPRESENTATIVE(S) Buescher, Berens, Cadman, Coleman, Gallegos, Jahn, McFadyen, Paccione, Penry, Rose, Stafford,
 Stengel, and Todd.

AN ACT

CONCERNING THE ACQUISITION OF PROPERTY BY THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, AND, IN CONNECTION THEREWITH, REQUESTING THAT THE REAL PROPERTY FOR THE WESTERN SLOPE MILITARY VETERANS' CEMETERY BE TRANSFERRED TO THE DEPARTMENT AND REQUESTING A TRANSFER OF PROPERTY TO THE DEPARTMENT FOR NATIONAL GUARD TRAINING AND MAINTENANCE FACILITIES.

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

SECTION 1. 28-5-701 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

28-5-701. Division of veterans affairs - transfer of functions - terminology.

(4) (c) THE GENERAL ASSEMBLY REQUESTS THE DEPARTMENT OF HUMAN SERVICES AND THE STATE BOARD OF LAND COMMISSIONERS TO TRANSFER, WITHOUT COMPENSATION, BY ANY PROCEDURE NECESSARY, ANY APPROPRIATE PROPERTY, MINERAL, AND WATER RIGHTS INVOLVING THE WESTERN SLOPE MILITARY VETERANS' CEMETERY, AS DESCRIBED IN SECTION 28-5-708, TO THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, WITHIN TWO MONTHS OF THE COMPLETION OF A LEGAL SURVEY OF THE PROPERTY DESCRIBED IN SECTION 28-5-708.

(d) THE GENERAL ASSEMBLY FURTHER REQUESTS THE DEPARTMENT OF HUMAN SERVICES AND THE STATE BOARD OF LAND COMMISSIONERS TO REPORT TO THE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, NO LATER THAN JULY 15, 2005, THAT THE TRANSFER OF APPROPRIATE PROPERTY, MINERAL, AND WATER RIGHTS REQUESTED IN PARAGRAPH (c) OF THIS SUBSECTION (4) HAS BEEN COMPLETED.

SECTION 2. Article 3 of title 28, Colorado Revised Statutes, is amended BY

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

THE ADDITION OF A NEW PART to read:

PART 15
REAL PROPERTY

28-3-1501. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THERE ARE NO SUITABLE NATIONAL GUARD TRAINING AND MAINTENANCE FACILITIES IN THE GRAND JUNCTION AREA TO SERVE THE MEMBERS OF THE COLORADO NATIONAL GUARD AND THE STATE. THE GENERAL ASSEMBLY BELIEVES THAT THE STATE OWES A DUTY TO ALL OF ITS NATIONAL GUARD MEMBERS TO ASSIST IN PROVIDING ADEQUATE TRAINING AND MAINTENANCE FACILITIES.

(2) THE PROPERTY SPECIFIED TO BE USED FOR THE PURPOSE DESCRIBED IN SUBSECTION (1) OF THIS SECTION WAS RECEIVED FROM THE FEDERAL GOVERNMENT TO BE USED FOR ANY PUBLIC PURPOSE AUTHORIZED BY THE GENERAL ASSEMBLY. THE GENERAL ASSEMBLY HEREBY DECLARES THE SPECIFIED PROPERTY SHOULD BE USED FOR NATIONAL GUARD TRAINING AND MAINTENANCE FACILITIES, AND THE REQUESTED TRANSFERS OF APPROPRIATE PROPERTY RIGHTS FROM THE DEPARTMENT OF HUMAN SERVICES AND THE STATE BOARD OF LAND COMMISSIONERS TO THE DEPARTMENT SHOULD BE MADE WITHOUT COMPENSATION.

28-3-1502. Establishment of national guard facilities - rules. (1) (a) IF RIGHTS TO THE PROPERTY DESCRIBED IN SECTION 28-3-1503 ARE TRANSFERRED TO THE DEPARTMENT, THE GENERAL ASSEMBLY HEREBY AUTHORIZES THE ESTABLISHMENT AND MAINTENANCE OF NATIONAL GUARD FACILITIES, REFERRED TO IN THIS PART 15 AS THE "GUARD FACILITIES", LOCATED ADJACENT TO THE WESTERN SLOPE MILITARY VETERANS' CEMETERY. THE GUARD FACILITIES SHALL BE FOR THE PURPOSE OF PROVIDING AN AREA FOR NATIONAL GUARD TRAINING AND MAINTENANCE AS DETERMINED TO BE NECESSARY BY THE DEPARTMENT. THE ADJUTANT GENERAL SHALL PROMULGATE SUCH RULES AS MAY BE NECESSARY TO ESTABLISH AND MAINTAIN THE GUARD FACILITIES IN COMPLIANCE WITH APPLICABLE STATE AND FEDERAL STATUTES AND RULES. THE DEPARTMENT IS DIRECTED TO PREPARE, DEVELOP, CONSTRUCT, AND MAINTAIN SUCH GUARD FACILITIES AT THE SITE DESCRIBED IN SECTION 28-3-1503. THE DEPARTMENT MAY ENTER INTO CONTRACTS OR AGREEMENTS WITH ANY PERSON OR PUBLIC OR PRIVATE ENTITY TO PREPARE, DEVELOP, CONSTRUCT, OPERATE, AND MAINTAIN THE GUARD FACILITIES. THE DEPARTMENT IS HEREBY AUTHORIZED TO PROVIDE FOR SURVEYS, ENGINEERING STUDIES, CONCEPTUAL AND ARCHITECTURAL PLANS, ENVIRONMENTAL IMPACT STUDIES, CONSTRUCTION WORK, FACILITIES MASTER PLANS, AND JOINT USE AGREEMENTS IN COOPERATION WITH THE DEPARTMENT OF HUMAN SERVICES AND THE STATE BOARD OF LAND COMMISSIONERS.

(b) THE ADJUTANT GENERAL SHALL DETERMINE THE AMOUNT OF THE APPROPRIATION NECESSARY TO MEET THE REQUIREMENTS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (1) AND SHALL SUBMIT A REQUEST AS PART OF THE DEPARTMENT'S ANNUAL BUDGET REQUEST TO THE JOINT BUDGET COMMITTEE NO LATER THAN NOVEMBER 1, 2007.

(2) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT ANY USE OF THE PROPERTY DESCRIBED IN SECTION 28-3-1503 AS GUARD FACILITIES 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.

28-3-1503. Location of national guard facilities. THE DEPARTMENT, IN PREPARING, DEVELOPING, CONSTRUCTING, AND MAINTAINING THE GUARD FACILITIES, MAY USE FOR SUCH PURPOSES A PARCEL CONSISTING OF APPROXIMATELY THIRTY-FIVE ACRES, AS DETERMINED BY THE FACILITIES MASTER PLAN, OF EXISTING IMPROVED AND UNIMPROVED PROPERTY SURROUNDING THE WESTERN SLOPE MILITARY VETERANS' CEMETERY WITHIN THE EASTERN PORTION OF THE REAL PROPERTY KNOWN AS THE GRAND JUNCTION REGIONAL CENTER; EXCEPT THAT THE PARCEL SHALL NOT INCLUDE THE APPROXIMATELY TWENTY ACRES CURRENTLY SERVING THE WESTERN SLOPE MILITARY VETERANS' CEMETERY. THE DEPARTMENT SHALL ENTER INTO ALL NECESSARY AGREEMENTS TO SECURE THE APPROPRIATE PROPERTY RIGHTS FOR SUCH PARCEL, INCLUDING THE SHARED USE OF THE EXISTING STRUCTURE IN COOPERATION WITH THE DEPARTMENT OF HUMAN SERVICES. THE GENERAL ASSEMBLY REQUESTS THE DEPARTMENT OF HUMAN SERVICES AND THE STATE BOARD OF LAND COMMISSIONERS TO TRANSFER, WITHOUT COMPENSATION, APPROPRIATE RIGHTS TO THE PROPERTY DESCRIBED IN THIS SECTION TO THE DEPARTMENT WITHIN TWO MONTHS OF THE COMPLETION OF A LEGAL SURVEY OF THE PROPERTY DESCRIBED IN THIS SECTION.

SECTION 3. 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 2, 2005