

CHAPTER 309

GOVERNMENT - STATE

SENATE BILL 07-086

BY SENATOR(S) Kopp, Schultheis, Brophy, Renfroe, May R., Johnson, Kester, Mitchell S., Morse, Penry, Shaffer, Spence, Taylor, Ward, Wiens, Boyd, Fitz-Gerald, Harvey, Isgar, Keller, McElhany, Sandoval, Schwartz, Tapia, Tochtrop, Tupa, Williams, and Windels;
 also REPRESENTATIVE(S) Balmer, Gardner C., Gardner B., Kerr J., Liston, Lundberg, Marostica, May M., McKinley, McNulty, Mitchell V., Roberts, Stafford, Stephens, Summers, Witwer, Cadman, Carroll M., Carroll T., Casso, Gibbs, Hicks, Jahn, King, Lambert, Looper, Massey, McFadyen, Rose, Soper, and Todd.

AN ACT

CONCERNING A WAR ON TERROR FALLEN HEROES MEMORIAL, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Part 14 of article 80 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-80-1402. Fallen heroes memorial commission - fund - repeal.

(1) (a) THERE IS HEREBY CREATED IN THE DEPARTMENT OF PERSONNEL AND ADMINISTRATION THE FALLEN HEROES MEMORIAL COMMISSION, REFERRED TO IN THIS SECTION AS THE "COMMISSION", TO ERECT MEMORIALS NEAR THE COLORADO VETERANS MONUMENT IN LINCOLN PARK TO COMMEMORATE THE LIVES OF COLORADANS WHO DIED DURING SPECIFIC MILITARY CONFLICTS. THE COMMISSION SHALL CONSIST OF FIVE MEMBERS. THE GOVERNOR, PRESIDENT OF THE SENATE, MINORITY LEADER OF THE SENATE, SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL EACH APPOINT ONE MEMBER OF THE COMMISSION. THE APPOINTING AUTHORITIES ARE ENCOURAGED TO APPOINT VETERANS OF FOREIGN WARS TO THE COMMISSION. MEMBERS OF THE COMMISSION SHALL SERVE TERMS OF FOUR YEARS. A MEMBER MAY BE REAPPOINTED TO SERVE ONLY ONE ADDITIONAL TERM.

(b) NOTWITHSTANDING THE PROVISIONS OF SECTION 2-2-307, C.R.S., MEMBERS OF THE COMMISSION, INCLUDING ANY LEGISLATIVE MEMBERS, SHALL NOT RECEIVE COMPENSATION FOR SERVING ON THE COMMISSION, BUT MAY BE REIMBURSED FOR

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

NECESSARY EXPENSES OUT OF THE FALLEN HEROES MEMORIALS CONSTRUCTION FUND CREATED IN SUBSECTION (3) OF THIS SECTION.

(c) THE COMMISSION SHALL ELECT FROM ITS MEMBERS A CHAIR AND VICE-CHAIR AND MAY ESTABLISH PROCEDURES FOR THE COMMISSION TO FOLLOW.

(d) THE COMMISSION SHALL MAKE RECOMMENDATIONS ON THE DESIGN AND SITING OF APPROPRIATE MEMORIALS FOR SUCH COMMEMORATION TO THE PRESERVATION TRUST COMMITTEE CREATED PURSUANT TO SECTION 24-80-1401. THE PRESERVATION TRUST COMMITTEE SHALL SUBMIT A PROPOSAL FOR THE DESIGN AND SITING OF APPROPRIATE MEMORIALS TO THE STATE CAPITOL BUILDING ADVISORY COMMITTEE CREATED PURSUANT TO SECTION 24-82-108, C.R.S. THE STATE CAPITOL BUILDING ADVISORY COMMITTEE SHALL BE RESPONSIBLE FOR THE FINAL APPROVAL OF THE DESIGN AND SITING OF THE APPROPRIATE MEMORIALS.

(e) IN PREPARING ITS PROPOSAL FOR THE DESIGN AND SITING OF APPROPRIATE MEMORIALS PURSUANT TO THIS SECTION, THE PRESERVATION TRUST COMMITTEE SHALL COORDINATE WITH THE PLANNING DEPARTMENT FOR THE CITY AND COUNTY OF DENVER.

(f) THE FIRST MEMORIAL SHALL BE TO HONOR SERVICEMEN AND SERVICEWOMEN KILLED AFTER SEPTEMBER 11, 2001, DURING THE WAR ON TERRORISM, INCLUDING BUT NOT LIMITED TO THOSE KILLED IN AFGHANISTAN AND IRAQ. THE PROPOSAL SUBMITTED BY THE PRESERVATION TRUST COMMITTEE PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (1) MAY INCLUDE MEMORIALS FOR SERVICEMEN AND SERVICEWOMEN KILLED DURING THE FIRST WORLD WAR, THE SECOND WORLD WAR, THE KOREAN WAR, THE VIETNAM WAR, AND SUCH OTHER MILITARY CONFLICTS AS THE PRESERVATION TRUST COMMITTEE MAY DETERMINE ARE APPROPRIATE.

(2) (a) THE COMMISSION IS AUTHORIZED TO SOLICIT AND ACCEPT GIFTS, GRANTS, AND DONATIONS TO ERECT AND MAINTAIN FALLEN HEROES MEMORIALS. ANY MONEYS RECEIVED BY THE BOARD SHALL BE DEPOSITED IN THE FALLEN HEROES MEMORIALS CONSTRUCTION FUND CREATED IN SUBSECTION (3) OF THIS SECTION. THE COMMISSION SHALL NOT INCUR ANY OBLIGATION FOR THE MEMORIALS IN EXCESS OF THE MONEYS AVAILABLE IN THE FUND.

(b) THE DEPARTMENT OF PERSONNEL AND ADMINISTRATION SHALL NOT PROVIDE ANY ASSISTANCE TO THE COMMISSION UNTIL IT CAN DO SO WITHIN EXISTING APPROPRIATIONS.

(3) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE FALLEN HEROES MEMORIALS CONSTRUCTION FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF:

(I) ALL GENERAL FUND MONEYS APPROPRIATED TO THE FUND; AND

(II) ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS FOR THE DESIGN OR CONSTRUCTION OF FALLEN HEROES MEMORIALS.

(b) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST

AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

(c) ONCE THE PRESERVATION TRUST COMMITTEE DETERMINES THAT APPROPRIATE MEMORIALS HAVE BEEN ERECTED, THE COMMITTEE MAY REQUEST THAT THE TREASURER TRANSFER, AND THE TREASURER SHALL TRANSFER, ANY MONEYS REMAINING IN THE FUND TO THE COLORADO VETERANS' MONUMENT PRESERVATION TRUST FUND CREATED PURSUANT TO SECTION 24-80-1401.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1 OF THE YEAR FOLLOWING THE RECEIPT BY THE REVISOR OF STATUTES OF CERTIFICATION FROM THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL AND ADMINISTRATION THAT THE APPROPRIATE MEMORIALS HAVE BEEN ERECTED AND ANY MONEYS REMAINING IN THE FUND HAVE BEEN TRANSFERRED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION.

SECTION 2. 24-80-1401 (4), Colorado Revised Statutes, is amended to read:

24-80-1401. Colorado veterans' monument preservation trust fund - committee. (4) The preservation trust committee shall have discretion in determining the amount of funds to allocate from the trust fund to meet the purposes of this part 14; except that only the interest derived from the principal in the trust fund may be expended by the preservation trust committee. All gifts, grants, and donations received by the department of personnel pursuant to subsection (5) of this section shall be credited to the trust fund and retained as principal in the trust fund. All interest earned on the investment of moneys in the fund shall be continuously appropriated to the department of personnel for allocation to the preservation trust committee. The preservation trust committee shall determine annually how much of the interest generated from the principal in the trust fund will be spent and shall determine and approve what types of maintenance and repair work will be performed for the purposes of maintaining, enhancing, and repairing the Colorado veterans' monument AND ANY FALLEN HEROES MEMORIALS in Lincoln park in Denver, Colorado, and for maintaining Lincoln park. The principal of the trust fund and any unappropriated interest earned on the principal of the trust fund at the close of any fiscal year shall remain in the trust fund and shall not be transferred to or revert to the general fund.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the fallen heroes memorials construction fund created in section 24-80-1402 (3), Colorado Revised Statutes, not otherwise appropriated, to the department of personnel and administration, for allocation to the fallen heroes memorial commission, for the fiscal year beginning July 1, 2007, the sum of thirteen thousand two hundred twenty-five dollars (\$13,225) and 0.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. Effective date. (1) This act shall take effect September 1, 2007.

(2) However, if a referendum petition is filed against this act or an item, section,

or part of this act during the 90-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, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: May 26, 2007