

CHAPTER 59

MILITARY AND VETERANS

SENATE BILL 14-096

BY SENATOR(S) Crowder, Todd, Aguilar, Baumgardner, Brophy, Cadman, Heath, Herpin, Jahn, Johnston, Jones, Kefalas, Kerr, King, Lambert, Lundberg, Marble, Newell, Nicholson, Rivera, Scheffel, Schwartz, Tochtrop, Ulibarri, Zenzinger; also REPRESENTATIVE(S) Exum and Pettersen, Buckner, Conti, Court, Fields, Garcia, Ginal, Hamner, Hullinghorst, Humphrey, Kraft-Tharp, Labuda, Lebsock, McLachlan, Melton, Mitsch Bush, Pabon, Rosenthal, Ryden, Saine, Salazar, Schafer, Singer, Stephens, Vigil, Young, Ferrandino.

AN ACT

CONCERNING RENAMING STATE VETERANS NURSING HOMES TO VETERANS COMMUNITY LIVING CENTERS TO MORE ACCURATELY REFLECT THE WIDE ARRAY OF SERVICES PROVIDED TO STATE VETERANS.

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

SECTION 1. In Colorado Revised Statutes, 2-3-1203, **amend** (3) (dd) (III) and (3) (dd) (IV) as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(dd) July 1, 2017:

(III) Each of the local advisory boards for ~~state veterans nursing homes~~ VETERANS COMMUNITY LIVING CENTERS, created in section 26-12-121, C.R.S.;

(IV) The board of commissioners of ~~state veterans nursing homes~~ VETERANS COMMUNITY LIVING CENTERS, created in section 26-12-402, C.R.S.;

SECTION 2. In Colorado Revised Statutes, 24-1-120, **amend** (5) (b), (5) (c), and (5) (k) as follows:

24-1-120. Department of human services - creation. (5) The department of human services shall include the following:

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

(b) The Colorado ~~state veterans~~ COMMUNITY LIVING center at Homelake, which is transferred by a **type 2** transfer to the department of human services;

(c) The Colorado ~~state veterans nursing homes~~ VETERANS COMMUNITY LIVING CENTERS, created by part 2 of article 12 of title 26, C.R.S., which are transferred by a **type 2** transfer to the department of human services;

(k) The board of commissioners of ~~state veterans nursing homes~~ VETERANS COMMUNITY LIVING CENTERS, created in section 26-12-402, C.R.S. Said board and its powers, duties, and functions are transferred by a **type 2** transfer to the department of human services.

SECTION 3. In Colorado Revised Statutes, 24-51-310, **amend** (1) (i) as follows:

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

(i) Employees of a nonprofit public hospital, long-term care facility, ~~or~~ health care facility, OR VETERANS COMMUNITY LIVING CENTER which was previously affiliated with the association if such employees were hired subsequent to the sale, lease, or transfer of the hospital or ~~state nursing home~~ VETERANS COMMUNITY LIVING CENTER;

SECTION 4. In Colorado Revised Statutes, 24-113-103, **amend** (3) (c) as follows:

24-113-103. State competition with private enterprise prohibited - exceptions. (3) The restrictions on competition with private enterprise contained in this section do not apply to:

(c) ~~State veterans' homes~~ VETERANS COMMUNITY LIVING CENTERS, except the ~~state veterans' home~~ COLORADO VETERANS COMMUNITY LIVING CENTER at Rifle, Colorado;

SECTION 5. In Colorado Revised Statutes, **amend** 26-12-101 as follows:

26-12-101. Short title. This article shall be known and may be cited as the "~~State Veterans Nursing Homes~~ "VETERANS COMMUNITY LIVING CENTERS Act".

SECTION 6. In Colorado Revised Statutes, **repeal and reenact, with amendments**, 26-12-102 as follows:

26-12-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CENTRAL FUND" MEANS THE CENTRAL FUND FOR VETERANS COMMUNITY LIVING CENTERS ESTABLISHED IN SECTION 26-12-108.

(2) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF HUMAN SERVICES.

(3) "RESIDENT" MEANS A PERSON WHO RESIDES IN A VETERANS CENTER OPERATED PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

(4) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES.

(5) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES.

(6) "VETERANS CENTER" MEANS ANY VETERANS COMMUNITY LIVING CENTER AND ANY PROGRAM OPERATED BY A VETERANS COMMUNITY LIVING CENTER, INCLUDING DOMICILIARY SERVICES, DAY CARE, AND ANY OTHER PROGRAMS AT THE CENTER.

(7) "VETERANS COMMUNITY LIVING CENTER" MEANS A VETERANS CENTER THAT HAS BEEN DESIGNED AND CONSTRUCTED SO AS TO QUALIFY FOR FEDERAL FUNDS UNDER THE PROVISIONS OF FEDERAL PUBLIC LAW 88-450, AS AMENDED, AND THAT IS OPERATED SO AS TO QUALIFY FOR PER DIEM PAYMENTS FROM THE UNITED STATES VETERANS ADMINISTRATION UNDER THE PROVISIONS OF 38 U.S.C. SEC. 1741.

SECTION 7. In Colorado Revised Statutes, **amend** 26-12-103 as follows:

26-12-103. State board duties - rule-making. The state board shall adopt rules for the management, control, and supervision of the ~~state nursing homes~~ VETERANS CENTERS operated pursuant to the provisions of this article.

SECTION 8. In Colorado Revised Statutes, 26-12-104, **amend** (1) as follows:

26-12-104. Eligibility for care. (1) A person ~~shall~~ MUST be considered for admission to ~~any state nursing home~~ A VETERANS CENTER if he or she meets the eligibility requirements prescribed in state and federal regulations.

SECTION 9. In Colorado Revised Statutes, **amend** 26-12-105 as follows:

26-12-105. Application for admission - preference. (1) Any person may apply for admission to ~~any state nursing home~~ A VETERANS CENTER in the manner prescribed by rules of the state board.

(2) ~~All applications shall be voluntary~~ APPLICATION FOR ADMISSION IS VOLUNTARY, and ~~any~~ A person admitted to a ~~state nursing home~~ shall have VETERANS CENTER HAS the right to leave the ~~state nursing home~~ VETERANS CENTER at any time he or she chooses.

(3) A ~~state nursing home~~ VETERANS CENTER shall review all applications for admission with reasonable promptness.

(4) If the number of eligible applicants exceeds the available facilities in a ~~state nursing home, the state nursing home~~ VETERANS CENTER, THE VETERANS CENTER shall give preference in admission to persons whose needs are greatest under standards established in state and federal regulations.

SECTION 10. In Colorado Revised Statutes, **amend** 26-12-106 as follows:

26-12-106. Vacancies - additional admissions. In the event that vacancies occur

in a ~~state nursing home~~ VETERANS CENTER and there are no applications for admission from persons eligible ~~under~~ PURSUANT TO section 26-12-104, the ~~state nursing home~~ VETERANS CENTER shall be open for temporary occupancy to any person based on the person's need for medical care and ability to pay for services in accordance with the rules of the state board.

SECTION 11. In Colorado Revised Statutes, **amend** 26-12-107 as follows:

26-12-107. Standards - management. (1) Each ~~state nursing home~~ VETERANS CENTER shall be operated and maintained under standards established by the department of public health and environment.

(2) Each ~~state nursing home shall~~ VETERANS CENTER MUST have:

(a) A nursing home administrator; and

(b) Such additional employees, including medical and nursing personnel, as may be required to provide ~~nursing home~~ services for which the ~~state nursing home~~ VETERANS CENTER was licensed.

(3) All ~~state nursing homes shall~~ VETERANS CENTERS MUST be managed as a group by the state department, unless the state department contracts for the management of a ~~state nursing home~~ VETERANS CENTER in accordance with section 26-12-119.

SECTION 12. In Colorado Revised Statutes, **amend** 26-12-108 as follows:

26-12-108. Payments for care - funds - annual report - collections for charges - central fund for veterans centers created - repeal. (1) (a) The state department shall establish rates for the care of residents, which rates ~~shall~~ MUST be as nearly equal to the cost of operation and maintenance of the ~~state nursing homes~~ VETERANS CENTERS as practicable. Payments shall be made to the state department unless otherwise provided pursuant to a contract entered into in accordance with section 26-12-119. The state department shall deposit such payments together with any other moneys received from any source for the operation and maintenance of the ~~state nursing homes~~ VETERANS CENTERS with the state treasurer, who shall credit all such moneys to the central fund for ~~state nursing homes~~ VETERANS COMMUNITY LIVING CENTERS, referred to in this article as the "central fund", which fund is hereby created.

(a.3) (I) ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE CENTRAL FUND FOR STATE NURSING HOMES AS OF JULY 1, 2014, SHALL BE TRANSFERRED TO THE CENTRAL FUND FOR VETERANS COMMUNITY LIVING CENTERS.

(II) THIS PARAGRAPH (a.3) IS REPEALED, EFFECTIVE JULY 1, 2015.

(a.5) For the fiscal year beginning July 1, 2007, and for each fiscal year thereafter, the general assembly shall appropriate from the general fund to the central fund an amount not exceeding ten percent of the total gross revenue accrued by the central fund during the preceding fiscal year in coordination with the state department's standard budget request process. The state department shall use these

funds to pay operational expenses of, and make capital improvements to, the ~~state nursing homes~~ VETERANS CENTERS.

(b) (I) The state department is authorized to expend moneys out of the central fund for the direct and indirect costs incurred by the state department for the operation and administration of the ~~state nursing homes~~ VETERANS CENTERS and for capital construction in connection with such ~~state nursing homes~~ VETERANS CENTERS. Such expenditures shall not require an appropriation by the general assembly but shall be limited to amounts in the central fund.

(II) All requests for capital construction submitted by the state department shall be considered by the capital development committee pursuant to section 2-3-1304, C.R.S.

(III) All interest derived from the deposit and investment of moneys in the central fund shall be credited to such fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the central fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

(c) The state department shall prepare and submit to the general assembly an annual report detailing the financial status of each ~~of the state nursing homes~~ VETERANS CENTER. This report shall ~~also~~ MUST also identify which of the ~~state nursing homes~~ VETERANS CENTERS administered pursuant to the provisions of this article are owned by the state but operated under contract by another entity.

(2) It is lawful for each ~~state nursing home~~ VETERANS CENTER and the Colorado ~~state~~ veterans COMMUNITY LIVING center at Homelake to deposit moneys belonging to the benefit fund established prior to July 1, 1985, and all donations or other voluntary contributions that may be received on or after that date in any manner for the benefit of residents of each ~~state nursing home~~ VETERANS CENTER and the Colorado ~~state~~ veterans COMMUNITY LIVING center at Homelake in an interest-bearing account with a federally insured financial depository pursuant to section 24-75-603, C.R.S. Withdrawals from such accounts shall be made only for the benefit, aid, and assistance of residents of each ~~state nursing home~~ VETERANS CENTER or the occupants of the Colorado ~~state~~ veterans COMMUNITY LIVING center at Homelake, including recreational equipment and facilities.

(3) The executive director may, in the name of the people of the state of Colorado and through the attorney general, institute and maintain actions at law for the collection of charges due from residents of ~~state nursing homes~~ VETERANS CENTERS and the Colorado ~~state~~ veterans COMMUNITY LIVING center at Homelake, or said residents' conservators, guardians, executors, or administrators, resulting from the failure, neglect, or refusal of said persons to pay such charges.

SECTION 13. In Colorado Revised Statutes, **amend** 26-12-109 as follows:

26-12-109. County chargeability. For the purposes of this part 1, a resident in ~~any state nursing home shall~~ A VETERANS CENTER MUST be a charge for public assistance purposes to the county in which ~~such state nursing home~~ THE VETERANS CENTER is located.

SECTION 14. In Colorado Revised Statutes, **amend** 26-12-110 as follows:

26-12-110. Declaration of policy - enterprise status. (1) ~~Any state nursing home or group of state nursing homes shall constitute~~ A VETERANS CENTER OR GROUP OF VETERANS CENTERS IS an enterprise for purposes of section 20 of article X of the state constitution so long as:

(a) The state department retains authority to issue anticipation warrants on behalf of ~~such state nursing home or group of state nursing homes~~ THE VETERANS CENTER OR GROUP OF VETERANS CENTERS; and

(b) ~~Such state nursing home or group of state nursing homes~~ THE VETERANS CENTER OR GROUP OF VETERANS CENTERS receives less than ten percent of its total annual revenues in grants from the state and all Colorado local governments combined.

(2) So long as it constitutes an enterprise, a ~~state nursing home or a group of state nursing homes~~ VETERANS CENTER OR GROUP OF VETERANS CENTERS shall not be subject to any of the provisions of section 20 of article X of the state constitution.

SECTION 15. In Colorado Revised Statutes, **amend** 26-12-111 as follows:

26-12-111. Proposed veterans community living centers - criteria. (1) The state department, in consultation with the Colorado board of veterans affairs, ~~shall be~~ IS responsible for recommending any proposed sites for ~~state nursing homes~~ VETERANS CENTERS to be constructed, leased, or purchased on or after July 1, 1998, to the capital development committee and the joint budget committee. The general assembly ~~shall be~~ IS responsible for the selection of any proposed site for such ~~state nursing homes~~ VETERANS CENTERS.

(2) When evaluating a potential site for a proposed ~~state nursing home~~ VETERANS CENTER, the following criteria ~~shall~~ MUST be considered:

(a) The proximity of the proposed ~~facility~~ VETERANS CENTER to veterans affairs medical services;

(b) The impact the proposed ~~home~~ VETERANS CENTER would have upon the financial viability of ~~state nursing homes already in existence~~ EXISTING VETERANS CENTERS; AND

(c) Whether there is an established bed need for the proposed ~~state nursing home~~ VETERANS CENTER based upon the location of Colorado veterans, their families, and support systems.

(3) ~~Any state nursing home~~ A VETERANS CENTER constructed, leased, or purchased on or after July 1, 1998, ~~shall~~ MUST have a bed capacity of at least one hundred twenty beds.

(4) ~~No state veterans nursing home shall~~ A VETERANS CENTER MUST NOT be constructed on or after July 1, 1998, unless other ~~state veterans nursing homes~~ VETERANS CENTERS have maintained an average occupancy rate of at least eighty

percent over the six-month period immediately prior to the commencement of the construction of the new ~~state veterans nursing home~~ VETERANS CENTER.

SECTION 16. In Colorado Revised Statutes, 26-12-112, **amend** (1) and (2) as follows:

26-12-112. Powers and duties of state department. (1) The state department may, in addition to the powers granted in this article, whenever authorized and locations have been designated by the general assembly:

(a) Establish, construct, operate, maintain, and improve, within the state of Colorado, buildings and facilities, and the means necessary thereto, for the full exercise of the powers granted by this article;

(b) Identify the records that the ~~nursing home~~ administrator of each ~~state nursing home~~ VETERANS CENTER shall submit to the state department;

(c) Set aside a special sinking fund account in the central fund for the payment of anticipation warrants authorized by and issued under the provisions of section 26-12-113 and for the payment of interest due on such warrants; except that the state department shall not pledge the general income of the state of Colorado or appropriations made by the general assembly for any ~~state nursing home~~ VETERANS CENTER, nor shall it create a mortgage upon the property belonging to any such ~~state nursing home~~ VETERANS CENTER, for the payment of the principal of the warrants and interest thereon. The state department shall deposit into the sinking fund account fees and revenues received from residents at ~~state nursing homes~~ VETERANS CENTERS sufficient to cover necessary reserve accounts and principal and interest payments, which fees and revenues shall first be applied upon the payment of principal and such anticipation warrants and interest thereon. Any moneys in ~~said~~ THE sinking fund account not necessary for the reserve nor for the payment of ~~said~~ principal and interest may be made available for the maintenance and operation of ~~such state nursing homes~~ VETERANS CENTERS.

(d) Accept any grants from, or payments made by, the United States or any agency or instrumentality thereof and receive gifts, legacies, devises, and conveyances of property, real or personal, that may be made, given, transferred pursuant to a purchase and sale, or granted to the state department for ~~state nursing homes~~ VETERANS CENTERS. The state department, with the approval of the governor, shall make disposition of such property in the best interest of the ~~state nursing homes~~ VETERANS CENTERS under the control and supervision of the state department.

(2) All titles to real property and all improvements thereon shall be vested in the state, and the title deeds thereto and all insurance policies, certificates of water rights, and other evidences of ownership to the real property or improvements of ~~said nursing home~~ A VETERANS CENTER shall be deposited with the state department.

SECTION 17. In Colorado Revised Statutes, 26-12-113, **amend** (2) as follows:

26-12-113. Anticipation warrants - legislative declaration. (2) Any other provision of this article notwithstanding, the state department may not issue any

anticipation warrants or otherwise borrow funds for the construction of additional ~~state nursing homes~~ VETERANS CENTERS, unless ~~such~~ THE construction of additional ~~state nursing homes~~ VETERANS CENTERS is specifically authorized by law.

SECTION 18. In Colorado Revised Statutes, 26-12-119, **amend** (1) as follows:

26-12-119. Contractual agreements. (1) The state department is authorized to contract with any public or private entity for all or part of the operation or management of any ~~state nursing home~~ VETERANS CENTER in accordance with the "Procurement Code", articles 101 to 112 of title 24, C.R.S., and with part 5 of article 50 of title 24, C.R.S.

SECTION 19. In Colorado Revised Statutes, **amend** 26-12-120 as follows:

26-12-120. Intestate estate - escheat. (1) If a resident dies without legal heirs and without a will disposing of his or her estate, all of the property, real and personal, shall pass to the state of Colorado for the sole use and benefit of the ~~state nursing home~~ VETERANS CENTER in which the resident lived at the time of his or her death, subject to the provisions of section 25.5-4-302, C.R.S., and subsection (2) of this section.

(2)(a) The personal property and effects of deceased residents shall be taken into possession by the ~~state nursing home~~ administrator of the ~~state nursing home~~ VETERANS CENTER in which the resident lived at the time of his or her death and held in accordance with the rules of the state board.

(b) ~~Such rules shall~~ THE RULES OF THE STATE BOARD MUST provide for a sufficient period of time, not to exceed one year, in which the heirs of a deceased resident may make claim to the deceased resident's property and effects. If ~~no~~ A claim is NOT made to the property, the property may be sold, and the proceeds of the sale shall be placed in the benefit fund created by section 26-12-108 (2) for the personal use and benefit of other residents of the ~~state nursing home~~ VETERANS CENTER in which the resident lived at the time of his or her death, subject to claims as a result of appropriate judicial proceedings.

SECTION 20. In Colorado Revised Statutes, 26-12-121, **amend** (1) and (2) as follows:

26-12-121. Veterans community living centers - local advisory boards - rules - repeal. (1) The state board, with input from the ~~division within the state department that is responsible for state nursing homes~~ OFFICE WITHIN THE DEPARTMENT RESPONSIBLE FOR THE OVERSIGHT OF VETERANS COMMUNITY LIVING CENTERS, shall promulgate rules to establish the requirements and procedures governing the creation and operation of local advisory boards at each of the existing ~~state nursing homes~~ VETERANS CENTERS within the state department, located in Homelake, Florence, Rifle, Aurora, and Walsenburg, Colorado.

(2) Each local advisory board shall consist of at least five members. At least one of the members shall be a resident of the ~~state nursing home or veterans nursing home~~ VETERANS CENTER or a person who, at the time of his or her appointment, is a family member of a resident of the ~~nursing home~~ VETERANS CENTER.

SECTION 21. In Colorado Revised Statutes, **amend** 26-12-201 as follows:

26-12-201. Veterans community living centers authorized.

(1) Repealed.

(2) (a) Subject to available appropriations, there is hereby authorized the establishment and construction of ~~state nursing homes~~ VETERANS CENTERS for veterans of service in the armed forces of the United States and their spouses, surviving spouses, or dependent parents. Each such ~~state nursing home~~ VETERANS CENTER shall be known as ~~the Colorado state veterans nursing home~~ A COLORADO VETERANS COMMUNITY LIVING CENTER, collectively referred to in this article as "~~state veterans nursing homes~~" "VETERANS CENTERS".

(b) ~~State veterans nursing homes shall~~ VETERANS CENTERS MUST be located at or near the city of Florence, at or near the city of Walsenburg, at or near the city of Rifle, and in Homelake.

(3) The state department shall evaluate any proposed sites for a ~~state veterans nursing home~~ NEW VETERANS CENTER to be constructed, leased, or purchased on or after July 1, 1998, in accordance with section 26-12-111.

(4) The ~~state veterans nursing homes~~ VETERANS CENTERS shall be designed and constructed so as to qualify for federal funding under the provisions of federal Public Law 88-450, as amended. The ~~state veterans nursing homes~~ VETERANS CENTERS shall be under the control and supervision of the state department, and they shall be operated so as to qualify for per diem payments from the United States veterans administration under the provisions of 38 U.S.C. sec. 1741.

SECTION 22. In Colorado Revised Statutes, **amend** 26-12-201.5 as follows:

26-12-201.5. Veterans community living center at former Fitzsimons authorized - Fitzsimons veterans community living center advisory board.

(1) Subject to available appropriations, there is hereby authorized the establishment and construction of a ~~state veterans nursing home~~ VETERANS COMMUNITY LIVING CENTER on the site of the former Fitzsimons Army medical center.

(2) Preference for admission to the ~~state veterans nursing home~~ VETERANS CENTER authorized pursuant to subsection (1) of this section shall be given to any veteran who is not currently a resident in another ~~state veterans nursing home~~ VETERANS CENTER.

(3) and (4) (Deleted by amendment, L. 2000, p. 1552, § 30, effective August 2, 2000.)

(5) Construction of ~~the facility~~ A VETERANS CENTER authorized pursuant to subsection (1) of this section ~~shall~~ MUST begin no later than October 1, 2001, or upon receipt of the federal funding for such construction.

(6) Beginning in fiscal year 2004-05, and for each fiscal year thereafter, the state department is authorized to use general funds appropriated to cover any operational

shortfall incurred by the ~~facility~~ VETERANS CENTER after its construction and before it begins to generate revenues sufficient to cover its operational expenses.

(7) Repealed.

SECTION 23. In Colorado Revised Statutes, 26-12-202, **amend** (1) and (2) as follows:

26-12-202. Walsenburg veterans community living center - contractual arrangement. (1) For as long as the contract is in effect with the Huerfano county hospital district for the operation of the Walsenburg ~~state veterans nursing home~~ VETERANS COMMUNITY LIVING CENTER, the contract shall state that the ~~home~~ VETERANS CENTER is a separate entity for financial reporting purposes. The contract shall also state that the district is responsible for financial reporting, rate calculation, financial performance, compliance with all state and federal regulations, and compliance with section 20 of article X of the state constitution.

(2) The Walsenburg ~~state veterans nursing home shall~~ VETERANS COMMUNITY LIVING CENTER MUST remain a state-owned entity for purposes of qualifying for federal veterans assistance payments and other federal veterans programs.

SECTION 24. In Colorado Revised Statutes, 26-12-203, **amend** (1) (a), (2), and (3) (a) as follows:

26-12-203. The Colorado veterans community living center at Homelake - jurisdiction - definition. (1) (a) The Colorado ~~state~~ veterans COMMUNITY LIVING center at Homelake, consisting of a ~~state nursing home~~ VETERANS CENTER, a domiciliary care unit, and the Homelake military veterans cemetery, referred to in this part 2 as the "VETERANS center", as transferred to the state department by the "Administrative Organization Act of 1968", is hereby declared to be a ~~state home~~ VETERANS CENTER for veterans of service in the armed forces of the United States and their spouses, surviving spouses, and dependent parents.

(2) The VETERANS center shall be under the control and supervision of the state department.

(3) For purposes of this section, "domiciliary care" means the provision of shelter, food, and necessary medical care on an ambulatory self-care basis:

(a) To assist any individual who is eligible for occupancy in the VETERANS center pursuant to sections 26-12-104 and 26-12-106 and who is suffering from an incapacitating disability, disease, or defect that prevents such veteran from earning a living, but that does not require hospitalization or nursing care services to attain physical, mental, and social well-being; and

SECTION 25. In Colorado Revised Statutes, **amend** 26-12-204 as follows:

26-12-204. Sale of property. (1) The executive director, with the approval of the state board, shall sell any real property at the VETERANS center declared to be surplus by the state board to the highest bidder on such terms and conditions as are deemed appropriate by the executive director for not less than the appraised value

thereof, as determined by an appraiser who is a member of the members appraisal institute (MAI), and to execute deeds of conveyance of such real property.

(2) Upon the sale of real property pursuant to subsection (1) of this section, the proceeds shall be deposited in the central fund and applied toward the retirement of any outstanding anticipation warrants.

SECTION 26. In Colorado Revised Statutes, 26-12-205, **amend** (1) (a) introductory portion and (2) (a) as follows:

26-12-205. Homelake military veterans cemetery - definitions - fund - rules - notice of funding through gifts, grants, and donations - repeal. (1) As used in this section, unless the context otherwise requires:

(a) "Cemetery" means the Homelake military veterans cemetery established and maintained at the VETERANS center pursuant to subsection (2) of this section, including:

(2) (a) The general assembly hereby authorizes the establishment and maintenance of the cemetery at the VETERANS center. The state department shall maintain the cemetery.

SECTION 27. In Colorado Revised Statutes, **amend** 26-12-207 as follows:

26-12-207. Federal funds. Whenever a law or rule pertaining to the veterans administration or any other federal law permits the state to receive federal funds for the use and benefit of ~~the state nursing homes~~ VETERANS COMMUNITY LIVING CENTERS, the executive director shall apply for and use such federal funds for the benefit of the ~~state nursing homes~~ VETERANS CENTERS.

SECTION 28. In Colorado Revised Statutes, **amend** 26-12-401 as follows:

26-12-401. Definitions. As used in this part 4, unless the context otherwise requires:

(1) "Board of commissioners" means the board of commissioners of ~~state veterans nursing homes~~ VETERANS COMMUNITY LIVING CENTERS created in section 26-12-402.

(2) ~~"Division" means the division of state veterans nursing homes~~ "OFFICE" MEANS THE OFFICE WITHIN THE STATE DEPARTMENT RESPONSIBLE FOR THE OVERSIGHT OF VETERANS COMMUNITY LIVING CENTERS, or its successor agency, in the state department.

SECTION 29. In Colorado Revised Statutes, 26-12-402, **amend** (1), (2), (7), and (8) as follows:

26-12-402. Board of commissioners of veterans community living centers - creation - powers and duties. (1) There is hereby created the board of commissioners of ~~state veterans nursing homes~~ VETERANS COMMUNITY LIVING CENTERS within the state department. The board of commissioners shall exercise its

powers, duties, and functions under the state department as if it were transferred to the state department by a **type 2** transfer under the provisions of the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

(2) The functions of the board of commissioners are to:

(a) Advise the ~~division~~ OFFICE and the ~~state veterans nursing homes~~ VETERANS CENTERS located in Homelake, Florence, Rifle, Aurora, and Walsenburg, Colorado;

(b) Provide continuity, predictability, and stability in the operation of the ~~state veterans nursing homes~~ VETERANS CENTERS; and

(c) Provide guidance to future administrators at the ~~state veterans nursing homes~~ VETERANS CENTERS based on the collective institutional memory of the board of commissioners.

(7) The board of commissioners shall:

(a) Endeavor to ensure that the highest quality of care is being provided at the ~~state veterans nursing homes~~ VETERANS CENTERS and that the financial status of the ~~homes~~ VETERANS CENTERS is maintained on a sound basis;

(b) Obtain information concerning the following:

(I) The status of the central fund, as described in section 26-12-108, and the progress of capital construction projects that are proposed or underway; and

(II) Issues of resident care arising from sources, including but not limited to department of public health and environment surveys, veterans administration surveys, consultant contractor reports, plans of correction to both surveys and consultant reports, vacant position reports, and reports from the division;

(c) Have direct access to any consulting contractor working with the ~~state veterans nursing homes~~ VETERANS CENTERS and obtain written and oral reports;

(d) Have direct access to the executive director of the state department and the state board for the purposes of alerting state department policymakers of potential problems in ~~state veterans nursing homes~~ VETERANS CENTERS and establishing effective working relationships and lines of communication with the state department and state board at all levels;

(e) Have the authority to visit and review the operation of the ~~state veterans nursing homes~~ VETERANS CENTERS;

(f) Participate in any request for a proposal panel that selects ~~division-wide~~ consulting firms for the ~~state veterans nursing homes~~ VETERANS CENTERS;

(g) Have authority to review and comment on rules promulgated by the state department and the state board concerning the ~~state veterans nursing homes~~ VETERANS CENTERS before the rules are submitted for public comment;

(h) Meet as often as necessary but not less than three times per year; and

(i) (I) On or before January 1, 2008, and on or before each January 1 thereafter, make an annual report of issues and recommendations developed by the board of commissioners to the executive director of the state department and the governor; and

(II) Transmit electronic versions of each annual report to:

(A) The members of the general assembly who sit on the health and human services ~~committees~~ COMMITTEE OF THE SENATE, THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, and the state, veterans, and military affairs committees of the senate and the house of representatives, or any successor committees; and

(B) The members of the state board of veterans affairs.

(8) Nothing in this part 4 shall be construed to abridge, amend, or supersede any provision of a contractual agreement that the state department has entered into with any of the ~~state veterans nursing homes~~ VETERANS CENTERS.

SECTION 30. In Colorado Revised Statutes, 27-90-111, **amend** (3) (e) as follows:

27-90-111. Employment of personnel - screening of applicants - disqualifications from employment. (3) The employment screening and disqualification requirements in this section apply to the following facilities or programs operated by the department:

(e) ~~State veterans nursing homes~~ VETERANS COMMUNITY LIVING CENTERS operated pursuant to article 12 of title 26, C.R.S.;

SECTION 31. In Colorado Revised Statutes, 28-5-703, **amend** (1) (b) and (4) (a) as follows:

28-5-703. Rules - duties. (1) (b) Any rules adopted by the board of human services in accordance with the requirements of the "State Administrative Procedure Act", article 4 of title 24, C.R.S., relating to county veterans service offices and veterans affairs other than the ~~state veterans nursing homes~~ VETERANS COMMUNITY LIVING CENTERS shall be enforceable and shall be valid until amended or repealed by the adjutant general.

(4) The board shall serve in an advisory capacity to:

(a) The state board of human services and the department of human services regarding the operations and maintenance of ~~state veterans nursing homes~~ VETERANS COMMUNITY LIVING CENTERS operated pursuant to article 12 of title 26, C.R.S.;

SECTION 32. In Colorado Revised Statutes, 28-5-709, **amend** (1) (b) (I) as follows:

28-5-709. Colorado state veterans trust fund - created - report. (1) (b) The moneys in the trust fund shall be used for:

(I) Capital improvements or needed amenities for existing or future ~~state veterans nursing homes~~ VETERANS COMMUNITY LIVING CENTERS;

SECTION 33. In Colorado Revised Statutes, 38-13-115, **amend** (5) as follows:

38-13-115. Public sale of abandoned property. (5) The administrator shall retain or loan to the Colorado ~~state veterans~~ COMMUNITY LIVING center at Homelake or to an alternate state facility selected by the administrator that has appropriate and secure space suitable for public display any military medal or decoration or other military award or citation that is delivered to the administrator pursuant to section 38-13-113 until the owner of the property claims the property in accordance with section 38-13-117 (1) and the administrator allows the claim pursuant to section 38-13-117 (3).

SECTION 34. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 21, 2014