

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 12-0512.01 Richard Sweetman x4333

HOUSE BILL 12-1063

HOUSE SPONSORSHIP

Ramirez,

SENATE SPONSORSHIP

Schwartz,

House Committees

State, Veterans, & Military Affairs
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE STATE VETERANS NURSING HOME AT HOMELAKE,**
102 **COLORADO.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill authorizes the military veterans' cemetery at Homelake, Colorado, (cemetery) and directs the state department of human services (department) to prepare, develop, construct, and maintain the cemetery.

The bill establishes within the state treasury the Homelake military veterans cemetery fund (fund) and authorizes the department to accept

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
March 5, 2012

gifts, grants, and donations for the fund.

The bill requires the department to adopt procedures whereby persons who are eligible for burial and interment at the Colorado state veterans center in Homelake (center) may reserve plots in the cemetery.

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

2 **SECTION 1.** In Colorado Revised Statutes, **recreate and**
3 **reenact, with amendments, 26-12-205** as follows:

4 **26-12-205. Homelake military veterans cemetery - definitions**
5 **- fund - rules - notice of funding through gifts, grants, and donations**
6 **- repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "CEMETERY" MEANS THE HOMELAKE MILITARY VETERANS
9 CEMETERY ESTABLISHED AND MAINTAINED AT THE CENTER PURSUANT TO
10 SUBSECTION (2) OF THIS SECTION, INCLUDING THE TRIANGULAR AREA OF
11 LAND TO THE DIRECT NORTH OF THE EXISTING CEMETERY AS OF THE
12 EFFECTIVE DATE OF THIS ACT.

13 (b) "FUND" MEANS THE HOMELAKE MILITARY VETERANS
14 CEMETERY FUND CREATED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

15 (2) (a) THE GENERAL ASSEMBLY HEREBY AUTHORIZES THE
16 ESTABLISHMENT AND MAINTENANCE OF THE CEMETERY AT THE CENTER.

17 **THE STATE DEPARTMENT SHALL MAINTAIN THE CEMETERY.**

18 (b) THE STATE DEPARTMENT MAY ENTER INTO CONTRACTS OR
19 AGREEMENTS WITH ANY PERSON OR PUBLIC OR PRIVATE ENTITY TO
20 PREPARE, DEVELOP, CONSTRUCT, OPERATE, AND MAINTAIN THE CEMETERY.

21 (3) (a) ANY VETERAN WHO SERVED HONORABLY IN ANY BRANCH
22 OF THE ARMED FORCES OF THE UNITED STATES **AND WHO, AT THE TIME**
23 **OF HIS OR HER DEATH, WAS A RESIDENT OF THIS STATE SHALL BE ELIGIBLE**

1 FOR BURIAL AND INTERMENT AT THE CEMETERY.

2 (b) BURIAL AND INTERMENT MAY BE PROVIDED AT THE CEMETERY
3 FOR ANY SPOUSE, SURVIVING SPOUSE, OR DEPENDENT PARENT OF AN
4 HONORABLY DISCHARGED VETERAN OF ANY BRANCH OF THE ARMED
5 FORCES OF THE UNITED STATES WHEN SUCH SPOUSE, SURVIVING SPOUSE,
6 OR DEPENDENT PARENT WAS A RESIDENT OF THE CENTER AT THE TIME OF
7 DEATH.

8 (c) ALL NECESSARY EXPENSES INCIDENT TO THE BURIAL AND
9 INTERMENT AT THE CEMETERY OF ANY PERSON WHO MAY BE BURIED AND
10 INTERRED AT THE CEMETERY PURSUANT TO THE PROVISIONS OF THIS
11 SECTION SHALL BE PAID FROM THE ESTATE OF THE DECEDENT.

12 (d) THE STATE DEPARTMENT SHALL ADOPT PROCEDURES WHEREBY
13 PERSONS WHO ARE ELIGIBLE FOR BURIAL AND INTERMENT IN THE
14 CEMETERY, IN EXCHANGE FOR MONETARY CONSIDERATION IN AN AMOUNT
15 TO BE DETERMINED BY THE STATE DEPARTMENT BUT NOT TO EXCEED THE
16 AMOUNT OF THE BURIAL AND MEMORIAL BENEFIT PROVIDED TO AN
17 ELIGIBLE VETERAN BY THE FEDERAL DEPARTMENT OF VETERANS AFFAIRS,
18 MAY RESERVE PLOTS FOR BURIAL AND INTERMENT THERE. IN ADOPTING
19 SUCH PROCEDURES, THE STATE DEPARTMENT SHALL ENSURE THAT A
20 PERSON WHO POSSESSES SUCH A RESERVATION ON THE EFFECTIVE DATE OF
21 THIS ACT SHALL RETAIN HIS OR HER RESERVATION.

22 (4) (a) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY
23 THE HOMELAKE MILITARY VETERANS CEMETERY FUND. THE FUND SHALL
24 CONSIST OF MONEYS TRANSFERRED TO THE FUND PURSUANT TO
25 PARAGRAPH (b) OF THIS SUBSECTION (4), ANY REVENUE GENERATED FROM
26 ACTIVITIES ASSOCIATED WITH THE CEMETERY AND ITS OPERATIONS, AND
27 ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY.

1 THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY
2 THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT FOR THE DIRECT AND
3 INDIRECT COSTS ASSOCIATED WITH CAPITAL IMPROVEMENTS TO, AND THE
4 OPERATION AND MAINTENANCE OF, THE CEMETERY AND FOR THE
5 IMPLEMENTATION OF THIS SECTION. ANY MONEYS IN THE FUND NOT
6 EXPENDED FOR THE PURPOSE OF THE SECTION MAY BE INVESTED BY THE
7 STATE TREASURER AS PROVIDED IN SECTION 24-36-113, C.R.S. ANY
8 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
9 MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.

10 (b) THE STATE DEPARTMENT IS AUTHORIZED TO ACCEPT GIFTS,
11 GRANTS, AND DONATIONS FOR THE PURPOSES OF THIS SECTION; EXCEPT
12 THAT THE STATE DEPARTMENT SHALL NOT ACCEPT A GIFT, GRANT, OR
13 DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH
14 THE PROVISIONS OF THIS SECTION OR ANY OTHER LAW OF THE STATE. THE
15 STATE DEPARTMENT SHALL TRANSFER ALL PRIVATE AND PUBLIC MONEYS
16 RECEIVED THROUGH GIFTS, GRANTS, AND DONATIONS TO THE STATE
17 TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

18 (c) THE STATE DEPARTMENT SHALL NOT EXPEND MORE THAN FIVE
19 PERCENT OF THE MONEYS ANNUALLY EXPENDED FROM THE FUND TO PAY
20 FOR THE ADMINISTRATIVE COSTS OF IMPLEMENTING THIS SECTION.

21 (d) (I) THE STATE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE
22 COUNCIL STAFF WHEN IT HAS RECEIVED ADEQUATE FUNDING THROUGH
23 GIFTS, GRANTS, OR DONATIONS FOR THE PURPOSES OF THIS SECTION AND
24 SHALL INCLUDE IN THE NOTIFICATION THE INFORMATION SPECIFIED IN
25 SECTION 24-75-1303 (3), C.R.S.

26 (II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2015.

27 (5) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND

1 DECLARES THAT ANY USE OF THE CEMETERY PROPERTY IS FOR A PUBLIC
2 PURPOSE EXPRESSLY AUTHORIZED BY THE GENERAL ASSEMBLY AND
3 THEREFORE PERMISSIBLE UNDER ANY GRANT OF RIGHT-OF-WAY
4 APPLICABLE TO SUCH PROPERTY EXECUTED BY THE STATE BOARD OF LAND
5 COMMISSIONERS.

6 (6) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE
7 DEPARTMENT MAY CONTRACT FOR PROFESSIONAL SERVICES NECESSARY
8 FOR THE IMPLEMENTATION OF THIS SECTION.

9 (7) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE
10 DEPARTMENT WILL IMPLEMENT THE PROVISIONS OF THIS SECTION BY
11 ASSIGNING TO THE CEMETERY ONE-HALF OF A FULL-TIME EMPLOYEE FROM
12 WITHIN THE EXISTING PERSONNEL RESOURCES OF THE STATE DEPARTMENT.

13 **SECTION 2.** In Colorado Revised Statutes, 26-12-108, **amend**
14 (2) and (3) as follows:

15 **26-12-108. Payments for care - funds - annual report -**
16 **collections for charges - central fund for state nursing homes created.**

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

1 (3) The executive director may, in the name of the people of the
2 state of Colorado and through the attorney general, institute and maintain
3 actions at law for the collection of charges due from residents of state
4 nursing homes and the Colorado state veterans center AT HOMELAKE, or
5 said residents' conservators, guardians, executors, or administrators,
6 resulting from the failure, neglect, or refusal of said persons to pay such
7 charges.

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

10 **26-12-203. The Colorado state veterans center - jurisdiction.**

11 (1) (a) The Colorado state veterans center ~~located near Monte Vista~~ AT
12 HOMELAKE, consisting of a state nursing home, ~~and~~ a domiciliary care
13 unit, AND THE HOMELAKE MILITARY VETERANS CEMETERY, referred to in
14 this ~~article~~ PART 2 as the "center", as transferred to the state department
15 by the "Administrative Organization Act of 1968", is hereby declared to
16 be a state home for veterans of service in the armed forces of the United
17 States and their spouses, surviving spouses, and dependent parents.

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

21 (a) To assist any individual who is eligible for occupancy in the
22 ~~Colorado state veterans~~ center pursuant to sections 26-12-104 and
23 26-12-106 and who is suffering from an incapacitating disability, disease,
24 or defect that prevents such veteran from earning a living, but that does
25 not require hospitalization or nursing care services to attain physical,
26 mental, and social well-being; and

27 **SECTION 4.** In Colorado Revised Statutes, 26-12-204, **amend**

1 (1) as follows:

2 **26-12-204. Sale of property.** (1) The executive director, with the
3 approval of the state board, shall sell any real property at the ~~Colorado~~
4 ~~state veterans~~ center declared to be surplus by the state board to the
5 highest bidder on such terms and conditions as are deemed appropriate by
6 the executive director for not less than the appraised value thereof, as
7 determined by an appraiser who is a member of the members appraisal
8 institute (MAI), and to execute deeds of conveyance of such real property.

9 **SECTION 5.** In Colorado Revised Statutes, 24-1-120, **amend** (5)
10 (b) as follows:

11 **24-1-120. Department of human services - creation - repeal.**

12 (5) The department of human services shall include the following:

13 (b) The Colorado state veterans center AT HOMELAKE, which is
14 transferred by a **type 2** transfer to the department of human services;

15 **SECTION 6.** In Colorado Revised Statutes, 38-13-115, **amend**
16 (5) as follows:

17 **38-13-115. Public sale of abandoned property.** (5) The
18 administrator shall retain or loan to the Colorado state veterans center ~~in~~
19 AT Homelake, ~~Colorado~~, or to an alternate state facility selected by the
20 administrator that has appropriate and secure space suitable for public
21 display any military medal or decoration or other military award or
22 citation that is delivered to the administrator pursuant to section
23 38-13-113 until the owner of the property claims the property in
24 accordance with section 38-13-117 (1) and the administrator allows the
25 claim pursuant to section 38-13-117 (3).

26 **SECTION 7. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.