

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0340.01 Richard Sweetman x4333

SENATE BILL 13-040

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

(None),

Senate Committees
State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE COMPLETION OF THE CEMETERY EXPANSION**
102 **PROJECT AT THE HOMELAKE MILITARY VETERANS CEMETERY.**

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 clarifies that the cemetery at the Colorado state veterans center at Homelake military veterans cemetery includes the 2 triangular areas that are adjacent to, and to the northeast and northwest of, the circular cemetery proper.

The bill directs the state department of human services (state

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.*

department) to complete by July 1, 2013, the ongoing project to expand the existing cemetery and make available new cemetery plots for eligible veterans of the United States armed forces and their spouses.

The bill directs the state department to submit on or before January 1, 2014, to the state, military, and veterans affairs committees of the house of representatives and senate a report concerning:

- ! The completion of the project to expand the existing cemetery;
- ! The day-to-day and yearly requirements that are involved in the maintenance of the cemetery;
- ! The extent to which the state department relies upon state employees for the actual maintenance of the cemetery; and
- ! The extent to which the state department contracts with other public or private entities for the actual maintenance of the cemetery.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-12-205, **amend**
3 (1) (a) and (4) (b); and add (8) 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 cemetery
9 established and maintained at the center pursuant to subsection (2) of this
10 section, including:

11 (I) THE TWO TRIANGULAR AREAS THAT ARE ADJACENT TO, AND TO
12 THE NORTHEAST AND NORTHWEST OF, THE CIRCULAR CEMETERY PROPER;
13 AND

14 (II) The triangular area of land to the direct north of the existing
15 cemetery as of May 3, 2012.

16 (4) (b) (I) The state department is authorized to accept gifts,
17 grants, and donations for the purposes of this section; except that the state

1 department shall not accept a gift, grant, or donation that is subject to
2 conditions that are inconsistent with the provisions of this section or any
3 other law of the state. The state department shall transfer all private and
4 public moneys received through gifts, grants, and donations to the state
5 treasurer, who shall credit the same to the fund.

6 (II) TO THE EXTENT PERMITTED BY SUBPARAGRAPH (I) OF THIS
7 PARAGRAPH (b), A PERSON WHO CONTRIBUTES A GIFT, GRANT, OR
8 DONATION TO THE FUND MAY DESIGNATE A SPECIFIC PURPOSE FOR WHICH
9 THE GIFT, GRANT, OR DONATION IS TO BE USED. THE STATE DEPARTMENT
10 SHALL NOT UNREASONABLY DELAY A PROJECT THAT IS SUFFICIENTLY
11 FUNDED BY GIFTS, GRANTS, OR DONATIONS.

12 (8) (a) ON OR BEFORE JANUARY 1, 2014, THE STATE DEPARTMENT
13 SHALL ESTABLISH A PHASED PLAN FOR EXPANSION OF THE CEMETERY. THE
14 STATE DEPARTMENT SHALL IDENTIFY PHASES IN A MANNER THAT IS
15 AESTHETICALLY APPROPRIATE, COST-EFFECTIVE, AND CAPABLE OF
16 INCREMENTAL IMPLEMENTATION AS FUNDING BECOMES AVAILABLE;
17 EXCEPT THAT, THE FIRST PHASE SHALL CONSIST OF THE PORTION OF THE
18 PROJECT DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (8). THE
19 EXPANSION PROJECT SHALL INCLUDE WORK SUFFICIENT TO MEET THE
20 DEMAND FOR UNRESERVED BURIAL PLOTS IN THE CEMETERY AND TO
21 ALLOW THE STATE DEPARTMENT TO CONDUCT INTERMENTS AT THE RATE
22 OF FIFTEEN INTERMENTS PER YEAR. TO THE EXTENT PRACTICABLE, IN
23 IMPLEMENTING THE EXPANSION PLAN, THE STATE DEPARTMENT SHALL
24 MAKE USE OF WORK COMPLETED BY THIRD PARTIES PURSUANT TO
25 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION AND COORDINATE
26 WITH SUCH PARTIES TO ENSURE THAT WORK COMPLETED FOR THE
27 EXPANSION PROJECT MEETS THE STANDARDS AND SPECIFICATIONS OF THE

1 PHASED PLAN.

2 (b) ON OR BEFORE JULY 1, 2014, THE STATE DEPARTMENT SHALL
3 COMPLETE THE EXPANSION OF THE CEMETERY AND MAKE AVAILABLE FOR
4 ELIGIBLE VETERANS OF THE UNITED STATES ARMED FORCES AND THEIR
5 SPOUSES NEW CEMETERY PLOTS IN THE TWO TRIANGULAR AREAS THAT ARE
6 ADJACENT TO, AND TO THE NORTHEAST AND NORTHWEST OF, THE
7 CIRCULAR CEMETERY PROPER.

8 (c) ON OR BEFORE JANUARY 1, 2015, THE STATE DEPARTMENT
9 SHALL SUBMIT TO THE STATE, MILITARY, AND VETERANS AFFAIRS
10 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY
11 SUCCESSOR COMMITTEE, A REPORT CONCERNING:

12 (I) THE STATUS OF THE PHASED PLAN FOR EXPANSION OF THE
13 CEMETERY;

14 (II) THE DAY-TO-DAY AND YEARLY REQUIREMENTS THAT ARE
15 INVOLVED IN THE MAINTENANCE OF THE CEMETERY;

16 (III) THE EXTENT TO WHICH THE DEPARTMENT RELIES UPON STATE
17 EMPLOYEES FOR THE ACTUAL MAINTENANCE OF THE CEMETERY; AND

18 (IV) THE EXTENT TO WHICH THE STATE DEPARTMENT CONTRACTS
19 WITH OTHER PUBLIC OR PRIVATE ENTITIES, AS DESCRIBED IN PARAGRAPH
20 (b) OF SUBSECTION (2) AND SUBSECTION (6) OF THIS SECTION, FOR THE
21 ACTUAL MAINTENANCE OF THE CEMETERY.

22 (V) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JANUARY 2,
23 2015.

24 **SECTION 2. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.