

**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. 13-0567.03 Ed DeCecco x4216

**HOUSE BILL 13-1261**

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**HOUSE SPONSORSHIP**

**Garcia and Dore,** Buck, Buckner, Conti, Coram, Court, Exum, Fischer, Foote, Hamner, Hulinghorst, Joshi, Kagan, Labuda, Landgraf, Lawrence, Lebsack, Lee, McLachlan, McNulty, Melton, Mitsch Bush, Moreno, Murray, Navarro, Pabon, Primavera, Rankin, Rosenthal, Ryden, Salazar, Singer, Stephens, Szabo, Tyler, Vigil, Wilson, Ferrandino, Ginal, Pettersen

**SENATE SPONSORSHIP**

**Crowder,**

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**House Committees**

Local Government  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE USE OF THE PROPERTY WHERE THE FORT LYON**  
102             **CORRECTIONAL FACILITY WAS LOCATED, AND, IN CONNECTION**  
103             **THEREWITH, MAKING AN APPROPRIATION.**

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**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 designates a portion of the Fort Lyon property, which was the site of a former state correctional facility, as a transitional residential community for the homeless to provide substance abuse supportive services, medical care, job training, and skill development for the

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.

residents. For this purpose, the division of housing in the department of local affairs is required to provide for the maintenance and operation of the Fort Lyon property and to enter into a contract with a private contractor to establish the residential community. In addition, the division is authorized to:

- ! Solicit, accept, and expend gifts, grants, and donations from public and private sources related to the operation of the residential community, which moneys are deposited into the newly created Fort Lyon property cash fund; and
- ! Lease all or part of the Fort Lyon property, with the cooperation of the department of personnel, to Bent county for the purpose of allowing the county to provide for the maintenance and operation of the property.

The governor's office or a state agency designated by the governor is authorized to receive a new quitclaim deed from the federal secretary of veterans affairs that provides the state with title to the Fort Lyon property that does not limit the use of the property. The department of corrections is prohibited from removing any supplies, personal property, or fixtures from the Fort Lyon property.

The division is required to annually submit to legislative committees a report about the residential facility.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-32-724 as  
3 follows:

4 **24-32-724. Fort Lyon property - transitional residential**  
5 **community - report - Fort Lyon property cash fund - created -**  
6 **legislative declaration - definitions - repeal.** (1) THE GENERAL  
7 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

8 (a) ON SEPTEMBER 12, 2002, THE STATE OF COLORADO RECEIVED  
9 THE FORT LYON PROPERTY FROM THE UNITED STATES DEPARTMENT OF  
10 VETERANS AFFAIRS, WHICH HAD PREVIOUSLY OPERATED A MEDICAL  
11 CENTER THERE;

12 (b) THE DEPARTMENT OF CORRECTIONS USED THE FORT LYON  
13 PROPERTY TO OPERATE A CORRECTIONAL FACILITY TO HOUSE GERIATRIC

1 AND ILL INMATES;

2 (c) THE CORRECTIONAL FACILITY WAS DECOMMISSIONED ON  
3 MARCH 1, 2012, WHICH HAD A DEVASTATING IMPACT ON THE LOCAL  
4 ECONOMY;

5 (d) THERE ARE OVER ONE HUNDRED ABANDONED BUILDINGS ON  
6 THE FORT LYON PROPERTY, WHICH INCLUDES OVER FIVE HUNDRED ACRES;

7 (e) RATHER THAN HAVING THIS SIGNIFICANT STATE ASSET SIT  
8 VACANT, THE STATE SHOULD USE THE FORT LYON PROPERTY TO BENEFIT  
9 THE CITIZENS OF THE STATE;

10 (f) ONE SUCH USE IS FOR THE DIVISION TO ENTER INTO A CONTRACT  
11 TO ESTABLISH A TRANSITIONAL RESIDENTIAL COMMUNITY;

12 (g) THE TRANSITIONAL RESIDENTIAL COMMUNITY WOULD PROVIDE  
13 CRITICAL HELP FOR CHRONICALLY HOMELESS INDIVIDUALS WITH  
14 SUBSTANCE USE DISORDERS AND MENTAL ILLNESS; AND

15 (h) THESE INDIVIDUALS, MANY OF WHOM ARE MILITARY  
16 VETERANS, WILL BENEFIT FROM THE SERVICES OFFERED AT THE  
17 RESIDENTIAL COMMUNITY, INCLUDING SUBSTANCE ABUSE SUPPORTIVE  
18 SERVICES, MEDICAL CARE, JOB TRAINING, AND SKILL DEVELOPMENT.

19 (2) AS USED IN THIS SECTION:

20 (a) "FORT LYON PROPERTY" MEANS THE REAL PROPERTY  
21 DESCRIBED IN THE QUITCLAIM DEED OF SEPTEMBER 12, 2002, THAT THE  
22 FEDERAL SECRETARY OF VETERANS AFFAIRS CONVEYED TO THE STATE OF  
23 COLORADO FOR THE PURPOSE OF OPERATING A CORRECTIONAL FACILITY.

24 (b) "RESIDENTIAL COMMUNITY" MEANS THE TRANSITIONAL  
25 RESIDENTIAL COMMUNITY FOR THE HOMELESS THAT IS ESTABLISHED IN  
26 PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION.

27 (3) (a) A PORTION OF THE FORT LYON PROPERTY IS DESIGNATED

1 AS A TRANSITIONAL RESIDENTIAL COMMUNITY FOR THE HOMELESS FOR  
2 THE PURPOSE OF PROVIDING SUBSTANCE ABUSE SUPPORTIVE SERVICES,  
3 MEDICAL CARE, JOB TRAINING, AND SKILL DEVELOPMENT FOR THE  
4 RESIDENTS.

5 (b) THE DIVISION SHALL ENTER INTO A CONTRACT WITH A PRIVATE  
6 CONTRACTOR TO ESTABLISH THE RESIDENTIAL COMMUNITY. THE  
7 CONTRACTOR SELECTED BY THE DIVISION MUST BE EXPERIENCED IN  
8 PROVIDING STATEWIDE INTEGRATED HOUSING, HEALTH CARE, AND  
9 SUPPORTIVE SERVICE PROGRAMS FOR HOMELESS INDIVIDUALS.

10 (c) (I) THE DIVISION MAY SOLICIT, ACCEPT, AND EXPEND GIFTS,  
11 GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE SOURCES RELATED  
12 TO THE OPERATION OF THE RESIDENTIAL COMMUNITY. THE DIVISION SHALL  
13 TRANSMIT ANY MONEYS SO RECEIVED TO THE STATE TREASURER, WHO  
14 SHALL CREDIT THE SAME TO THE FORT LYON PROPERTY CASH FUND,  
15 WHICH IS HEREBY CREATED IN THE STATE TREASURY. THE DIVISION MAY  
16 EXPEND ANY GIFTS, GRANTS, OR DONATIONS THAT ARE CUSTODIAL FUNDS  
17 WITHOUT ANY FURTHER APPROPRIATION BY THE GENERAL ASSEMBLY. ANY  
18 STATE MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE  
19 DIVISION FOR THE DIRECT AND INDIRECT COSTS OF OPERATING THE  
20 RESIDENTIAL COMMUNITY. ANY INTEREST DERIVED FROM THE DEPOSIT  
21 AND INVESTMENT OF MONEYS IN THE FUND IS CREDITED TO THE FUND. ANY  
22 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT  
23 THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT  
24 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

25 (II) ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), THE  
26 STATE TREASURER SHALL DEPOSIT IN THE FORT LYON PROPERTY CASH  
27 FUND ANY INSURANCE PROCEEDS THAT THE DEPARTMENT OF CORRECTIONS

1 RECEIVED FOR DAMAGE TO THE FORT LYON PROPERTY. THE DIVISION  
2 SHALL USE THESE MONEYS IN THE FUND FOR REPAIRS TO THE PROPERTY.

3 (III) THIS SECTION IS EXEMPT FROM THE PROVISIONS OF PART 13  
4 OF ARTICLE 75 OF THIS TITLE.

5 (4) (a) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS  
6 SUBSECTION (3), THE DIVISION SHALL PROVIDE FOR THE MAINTENANCE  
7 AND OPERATION OF THE FORT LYON PROPERTY.

8 (b) THE DIVISION, IN COOPERATION WITH THE DEPARTMENT OF  
9 PERSONNEL, MAY LEASE ALL OR PART OF THE FORT LYON PROPERTY TO  
10 BENT COUNTY FOR THE PURPOSE OF ALLOWING THE COUNTY TO PROVIDE  
11 FOR THE MAINTENANCE AND OPERATION OF THE PROPERTY.

12 (5) THE DEPARTMENT OF CORRECTIONS SHALL NOT REMOVE ANY  
13 SUPPLIES, PERSONAL PROPERTY, OR FIXTURES FROM THE FORT LYON  
14 PROPERTY.

15 (6) THE GOVERNOR'S OFFICE OR A STATE AGENCY DESIGNATED BY  
16 THE GOVERNOR IS AUTHORIZED TO RECEIVE A NEW QUITCLAIM DEED FROM  
17 THE FEDERAL SECRETARY OF VETERANS AFFAIRS THAT PROVIDES THE  
18 STATE WITH TITLE TO THE FORT LYON PROPERTY THAT DOES NOT LIMIT  
19 THE USE OF THE PROPERTY.

20 (7) (a) ON OR BEFORE JANUARY 31, 2015, AND ON OR BEFORE  
21 JANUARY 31 OF EACH YEAR THEREAFTER, THE DIVISION SHALL SUBMIT TO  
22 THE JOINT BUDGET COMMITTEE AND THE LOCAL GOVERNMENT  
23 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR  
24 ANY SUCCESSOR COMMITTEES, A REPORT THAT INCLUDES THE FOLLOWING  
25 INFORMATION ABOUT THE RESIDENTIAL FACILITY FOR THE PRECEDING  
26 FISCAL YEAR:

27 (I) THE NUMBER OF RESIDENTS;

- 1 (II) THE LENGTH OF STAY FOR RESIDENTS;
- 2 (III) ANY AVAILABLE DEMOGRAPHIC INFORMATION REGARDING
- 3 THE RESIDENTS, INCLUDING THE NUMBER OF MILITARY VETERANS;
- 4 (IV) THE EMPLOYMENT AND HOUSING INFORMATION FOR
- 5 RESIDENTS AFTER THEY LEAVE THE RESIDENTIAL FACILITY; AND
- 6 (V) ANY OTHER INFORMATION THAT THE DIVISION DEEMS
- 7 RELEVANT.

8 (b) SECTION 24-1-136 (11) DOES NOT APPLY TO THE REPORT

9 REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (6).

10 **SECTION 2. Appropriation.** (1) In addition to any other

11 appropriation, there is hereby appropriated, out of any moneys in the

12 general fund not otherwise appropriated, to the department of local

13 affairs, for the fiscal year beginning July 1, 2013, the sum of \$2,788,851,

14 or so much thereof as may be necessary, to be allocated to the division of

15 housing for the implementation of this act as follows:

- 16 (a) \$605,000 for client care contract personal services;
- 17 (b) \$686,835 for maintenance and operations contract personal
- 18 services;
- 19 (c) \$245,000 for maintenance and operations contract operating
- 20 expenses;
- 21 (d) \$10,000 for pharmaceuticals;
- 22 (e) \$48,000 for risk management insurance premiums; and
- 23 (f) \$1,194,016 for utilities.

24 **SECTION 3. 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.