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2001



SENATE BILL 01-200

BY SENATOR(S) Perlmutter, Dennis, Hanna, Hernandez, Phillips, Epps, Dyer (Arapahoe), Dyer (Durango), Anderson, Andrews, Arnold, Cairns, Chlouber, Entz, Evans, Fitz-Gerald, Gordon, Hagedorn, Hillman, Lamborn, Linkhart, Matsunaka, May, McElhany, Musgrave, Nichol, Owen, Pascoe, Reeves, Takis, Tate, Taylor, Teck, Thiebaut, Tupa, and Windels; also REPRESENTATIVE(S) Sinclair, Berry, Coleman, Decker, Garcia, Hoppe, Larson, Mace, Miller, Plant, Romanoff, Tapia, Vigil, and Weddig.

CONCERNING FUNDING FOR VETERANS PROGRAMS.

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

SECTION 1. 26-10-111, Colorado Revised Statutes, is amended to read:

26-10-111. Colorado state veterans trust fund - created - report.

(1) (a) There is hereby created in the state treasury the Colorado state veterans trust fund that shall consist of the moneys appropriated thereto pursuant to subsection (2) of this section. IN ADDITION, THE STATE TREASURER MAY CREDIT TO THE TRUST FUND ANY PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE DEPARTMENT OF HUMAN SERVICES FOR IMPLEMENTATION OF THE PURPOSES SPECIFIED IN THIS SUBSECTION (1).

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

(b) The funds in the trust fund shall be used for:

(I) Capital improvements or needed amenities for existing or future state veterans nursing homes; ~~and~~

(II) Costs incurred by existing or future state veterans cemeteries; ~~and~~

(III) Veterans outreach programs administered by the division; AND

(IV) VETERANS PROGRAMS OPERATED BY NONPROFIT VETERANS ORGANIZATIONS THAT MEET CRITERIA ADOPTED BY THE BOARD AND THAT ARE SELECTED BY THE BOARD AS GRANT RECIPIENTS.

~~(c) In addition, the state treasurer may credit to the trust fund any public or private gifts, grants, or donations received by the department of human services for implementation of the purposes specified in this subsection (1). In addition,~~ The division may retain up to five percent of the amount annually appropriated from the trust fund for the actual costs incurred by the division and the board in implementing the provisions of this article. Notwithstanding the provisions of section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the trust fund shall be credited to the trust fund. ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE TRUST FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE TRUST FUND AND SHALL NEITHER REVERT TO THE GENERAL FUND NOR BE TRANSFERRED TO THE TOBACCO LITIGATION SETTLEMENT TRUST FUND CREATED IN SECTION 24-22-115.5, C.R.S., NOR BE TRANSFERRED OR CREDITED TO ANY OTHER FUND.

(2) (a) Beginning in fiscal year 2000-01 and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the general assembly shall annually appropriate to the trust fund one percent of the total amount received by the state pursuant to the provisions of the master settlement agreement, other than attorney fees and costs, during the preceding fiscal year; except that the amount so appropriated to the trust fund in any fiscal year shall not exceed one million dollars. The general assembly shall appropriate the amount specified in this subsection (2) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2), for the fiscal year in which the first payment of moneys pursuant to the master settlement agreement is received, the percentage appropriated to the trust fund shall be calculated on the total amount of moneys received by the state pursuant to the master settlement agreement, other than attorney fees and costs, during that fiscal year, minus thirty-three million dollars.

(3) All of the funds appropriated to the trust fund pursuant to subsection (2) of this section in fiscal year 2000-01 shall be credited to the trust fund and retained as principal in the trust fund. For fiscal years 2001-02 and fiscal years thereafter, seventy-five percent of the amount of annual appropriations made pursuant to subsection (2) of this section shall be credited to the trust fund and retained as principal in the trust fund. For fiscal years 2001-02 and fiscal years thereafter, twenty-five percent of the amount of annual appropriations made pursuant to subsection (2) of this section and any interest earned on the principal in the trust fund shall be subject to annual appropriation by the general assembly and may be allocated by the board for the purposes outlined in subsection (1) of this section.

(4) (a) Funds shall be allocated out of the trust fund using the following process:

(I) The director of the state and veterans nursing homes or the director of the division of veterans affairs shall submit to the board a written request for funds to be used for the purposes described in subsection (1) of this section; OR

(II) A NONPROFIT VETERANS ORGANIZATION, IN COMPLIANCE WITH THE PROCEDURES AND TIMELINES ADOPTED BY THE BOARD, SHALL SUBMIT TO THE BOARD A GRANT APPLICATION, IN A FORM ADOPTED BY THE BOARD, REQUESTING FUNDING FOR A VETERANS PROGRAM.

(b) The board shall vote on ~~the~~ EACH request for funds AND ON EACH GRANT APPLICATION SUBMITTED BY A NONPROFIT VETERANS ORGANIZATION THAT MEETS THE CRITERIA ESTABLISHED BY THE BOARD. A majority vote shall be sufficient to approve an allocation of funds out of the trust fund.

(4.5) THE BOARD SHALL ADOPT GUIDELINES THAT ADDRESS, AT A MINIMUM, THE FOLLOWING ISSUES:

(a) THE FORM OF AN APPLICATION FOR USE BY NONPROFIT VETERANS ORGANIZATIONS IN APPLYING FOR GRANTS PURSUANT TO THIS SECTION;

(b) CRITERIA FOR IDENTIFYING NONPROFIT VETERANS ORGANIZATIONS THAT MAY APPLY FOR AND RECEIVE GRANTS PURSUANT TO THIS SECTION;

(c) CRITERIA FOR SELECTING APPROPRIATE VETERANS PROGRAMS TO RECEIVE GRANTS PURSUANT TO THIS PROGRAM;

(d) THE TERM AND AMOUNTS OF GRANTS AWARDED TO NONPROFIT VETERANS ORGANIZATIONS PURSUANT TO THIS SECTION; AND

(e) STANDARDS FOR DETERMINING THE EFFECTIVENESS OF VETERANS PROGRAMS THAT RECEIVE GRANTS PURSUANT TO THIS SECTION.

(4.7) THE DIVISION MAY CONTRACT WITH ONE OR MORE PRIVATE ENTITIES FOR PROGRAM MONITORING AND EVALUATION OF ANY VETERANS PROGRAM OPERATED BY A NONPROFIT VETERANS ORGANIZATION THAT RECEIVES FUNDING PURSUANT TO THIS SECTION. THE BOARD MAY ALLOCATE FUNDS TO THE DIVISION FOR THE COSTS INCURRED ENTERING INTO SUCH CONTRACTS.

(5) (a) The board shall prepare a report evaluating the implementation of this section, including the number and type of improvements or additions to nursing homes that have been made, the number and type of improvements to veterans cemeteries, the number of veterans served through the veterans outreach program, THE NUMBER AND TYPES OF VETERANS PROGRAMS OPERATED BY NONPROFIT VETERANS ORGANIZATIONS THAT RECEIVE GRANTS PURSUANT TO THIS SECTION, and the results achieved as a result of allocations made out of the trust fund.

(b) The department shall submit the report to the department of public health and environment for inclusion in the report prepared by said department pursuant to section 25-1-108.5 (3), C.R.S.

SECTION 2. 24-75-1104 (2), Colorado Revised Statutes, is amended to read:

24-75-1104. Use of settlement moneys - programs. (2) The general assembly shall appropriate the amounts specified in subsection (1)

of this section from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115. Any amount of unencumbered settlement moneys remaining in the fund of any program specified in subsection (1) of this section ~~except the children's basic health plan trust created in section 26-19-105, C.R.S.~~, at the end of any fiscal year shall be transferred to the tobacco litigation settlement trust fund created in section 24-22-115.5; EXCEPT THAT UNENCUMBERED SETTLEMENT MONEYS SHALL NOT BE TRANSFERRED FROM THE FOLLOWING FUNDS:

(a) THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN SECTION 26-19-105, C.R.S.;

(b) THE COLORADO STATE VETERANS TRUST FUND CREATED IN SECTION 26-10-111, C.R.S.

SECTION 3. 39-22-1902, Colorado Revised Statutes, is amended to read:

39-22-1902. Voluntary contribution designation - procedure. For income tax years commencing on or after January 1, ~~1999~~ 2001, but prior to January 1, ~~2002~~ 2004, each Colorado state individual income tax return form shall contain a line whereby each individual taxpayer may designate the amount of the contribution, if any, such individual wishes to make to the western slope military veterans' cemetery fund created in section 26-10-110 (2) (a), C.R.S. Such moneys credited to the fund shall be used for the operation and maintenance of a western slope military veterans' cemetery pursuant to section 26-10-110, C.R.S.

SECTION 4. 39-22-1904, Colorado Revised Statutes, is amended to read:

39-22-1904. Repeal of part. (1) This part 19 is repealed, effective January 1, ~~2002~~ 2005.

(2) Prior to the repeal of this part 19, a committee of reference in each house of the general assembly shall hold a hearing on whether the voluntary contribution should be continued.

(3) THE CHANGE OF THE DATE IN SECTION 39-22-1902 FROM JANUARY 1, 2002, TO JANUARY 1, 2004, AND THE CHANGE OF THE REPEAL

DATE IN SUBSECTION (1) OF THIS SECTION FROM JANUARY 1, 2002, TO JANUARY 1, 2005, WERE MADE BY THE GENERAL ASSEMBLY DURING THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY TO CONTINUE AND REESTABLISH THE WESTERN SLOPE MILITARY VETERANS' CEMETERY VOLUNTARY CONTRIBUTION PROGRAM ESTABLISHED BY THIS PART 19. SECTION 39-22-1001 (2), WHICH REQUIRES THE ELIMINATION OF ANY INCOME TAX CHECKOFF THAT DOES NOT HAVE CONTRIBUTIONS THAT EQUAL OR EXCEED TEN PERCENT OF THE TOTAL AMOUNT CONTRIBUTED TO ALL INCOME TAX CHECKOFFS DURING THE PERIOD FROM JANUARY 1 THROUGH SEPTEMBER 30, SHALL NOT APPLY TO THE WESTERN SLOPE MILITARY VETERANS' CEMETERY VOLUNTARY CONTRIBUTION PROGRAM CONTINUED AND REESTABLISHED BY THIS SUBSECTION (3); EXCEPT THAT SECTION 39-22-1001 (4) SHALL APPLY TO THE PERIOD BETWEEN JANUARY 1, 2002, AND SEPTEMBER 30, 2003.

SECTION 5. 39-22-1001 (2) (a), Colorado Revised Statutes, is amended, and the said 39-22-1001 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

39-22-1001. Limitation on the duration of voluntary contribution programs - repeal. (2) (a) Any other provision of law to the contrary notwithstanding, ~~except as otherwise provided in paragraph (b) of this subsection (2), and except as provided in subsection (3)~~ SUBSECTIONS (3) AND (4) of this section, for the period January 1, 1988, through September 30, 1988, and for each January 1 through September 30 thereafter, if the amount designated on Colorado income tax returns as contributed under the provisions of any voluntary contribution program created by law does not equal or exceed ten percent of the total amount contributed to all income tax checkoffs during such period according to the records of the department of revenue, then any such voluntary contribution program shall no longer be effective as of January 1 of the then current calendar year and shall not be reflected on the Colorado income tax returns made for such year or any subsequent year.

(4) (a) PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION SHALL NOT APPLY TO THE WESTERN SLOPE MILITARY VETERANS' CEMETERY VOLUNTARY CONTRIBUTION PROGRAM ESTABLISHED PURSUANT TO PART 19 OF THIS ARTICLE. BEGINNING JANUARY 1, 2002, AND CONTINUING THROUGH SEPTEMBER 30, 2003, IF THE AGGREGATE AMOUNT DESIGNATED ON COLORADO INCOME TAX RETURNS AS CONTRIBUTED UNDER THE PROVISIONS

OF THE WESTERN SLOPE MILITARY VETERANS' CEMETERY VOLUNTARY CONTRIBUTION PROGRAM DURING THE PERIOD COMMENCING JANUARY 1, 2002, AND ENDING SEPTEMBER 30, 2003, DOES NOT EQUAL OR EXCEED TEN PERCENT OF THE AGGREGATE AMOUNT CONTRIBUTED TO ALL INCOME TAX CHECKOFFS DURING THE PERIOD COMMENCING JANUARY 1, 2002, AND ENDING SEPTEMBER 30, 2003, ACCORDING TO THE RECORDS OF THE DEPARTMENT OF REVENUE, THEN THE WESTERN SLOPE MILITARY VETERANS' CEMETERY VOLUNTARY CONTRIBUTION PROGRAM SHALL NO LONGER BE EFFECTIVE AS OF JANUARY 1, 2003, AND SHALL NOT BE REFLECTED ON THE COLORADO INCOME TAX RETURNS MADE FOR SUCH YEAR OR ANY SUBSEQUENT YEAR.

(b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JANUARY 1, 2005.

SECTION 6. Safety clause. The general assembly hereby finds,

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

Stan Matsunaka
PRESIDENT OF
THE SENATE

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO