

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 26-0446.01 Rebecca Bayetti x4348

SENATE BILL 26-088

SENATE SPONSORSHIP

Kirkmeyer and Carson,

HOUSE SPONSORSHIP

Winter T. and Martinez,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE GROUNDS SURROUNDING THE STATE CAPITOL**
102 **BUILDING, AND, IN CONNECTION THEREWITH, PROVIDING FOR**
103 **THE MAINTENANCE AND REPAIR OF MEMORIALS AND**
104 **MONUMENTS ON THE CAPITOL GROUNDS AND IN LINCOLN**
105 **VETERANS' MEMORIAL PARK.**

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://leg.colorado.gov>.)

Under current law, the department of personnel and a statutorily created preservation trust committee oversee the Colorado veterans'

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

monument preservation trust fund (trust fund). The bill moves oversight of the trust fund to the state historical society (history Colorado) and repeals the preservation trust committee. The bill also expands the allowable uses of the trust fund, which were previously restricted to maintaining and enhancing the Colorado veterans' monument and any fallen heroes memorials in Lincoln veterans' memorial park, to include the maintenance, enhancement, and repair of monuments and memorials both in Lincoln veterans' memorial park and on the state capitol building grounds. History Colorado may expend principal from the trust fund for these purposes once every 20 years beginning in state fiscal year 2027-2028, subject to appropriation by the general assembly, and for unexpected necessary maintenance costs that are not covered by insurance. On or before December 31, 2026, and on or before each December 31 thereafter, history Colorado must submit a report to the state capitol building advisory committee that includes information on:

- History Colorado's plans to maintain, enhance, and repair monuments and memorials in Lincoln veterans' memorial park and on the state capitol building grounds; and
- The actual and planned use of money in the trust fund.

The bill also requires the state capitol building advisory committee, before recommending a proposal for the placement of a memorial or an object of art on the state capitol building grounds to the capital development committee and the governor for approval, to ensure that the proposal includes funding sufficient to provide lifetime maintenance of the proposed memorial or object of art. Only a proposal that dedicates at least 5% of its total budget to maintenance includes funding sufficient to provide lifetime maintenance of the proposed object of art or memorial.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-80-1401, **amend**
3 (1), (4), and (5); **repeal** (2) and (3); and **add** (5.5) as follows:

4 **24-80-1401. Colorado veterans' monument preservation trust**
5 **fund - state historical society - park name change - report.**

6 (1) There is hereby created in the state treasury the Colorado
7 veterans' monument preservation trust fund, referred to in this section as
8 the "trust fund", the principal of which ~~shall consist~~ **CONSISTS** of ~~funds~~
9 **MONEY** made available from ~~private~~ **GIFTS, GRANTS, AND** donations

1 received by the ~~department of personnel~~ STATE HISTORICAL SOCIETY,
2 MONEY CREDITED TO THE TRUST FUND AS SPECIFIED IN SUBSECTION (4)(e)
3 OF THIS SECTION, and any ~~funds appropriated thereto~~ MONEY
4 TRANSFERRED TO THE TRUST FUND by the general assembly. All ~~moneys~~
5 MONEY deposited in the trust fund and all interest earned in the trust fund
6 ~~shall remain~~ REMAINS in the trust for the purposes as set forth in this ~~part~~
7 ~~14~~ SECTION, and no portion ~~thereof shall~~ OF THE TRUST FUND MAY be
8 expended or appropriated for any other purpose. THE PRINCIPAL OF THE
9 TRUST FUND AND ANY UNAPPROPRIATED INTEREST EARNED ON THE
10 PRINCIPAL OF THE TRUST FUND AT THE CLOSE OF ANY FISCAL YEAR REMAIN
11 IN THE TRUST FUND AND MAY NOT BE TRANSFERRED TO OR REVERT TO THE
12 GENERAL FUND.

13 (2) ~~There is hereby created a preservation trust committee for the~~
14 ~~purpose of overseeing and making allocations out of the trust fund. The~~
15 ~~preservation trust committee shall be comprised of four members. One~~
16 ~~member shall be a representative or designee of the Colorado board of~~
17 ~~veterans affairs, created in section 28-5-702, one member shall be a~~
18 ~~member or designee of the state capitol building advisory committee,~~
19 ~~created in section 24-82-108, one member shall be a veteran appointed~~
20 ~~jointly by the speaker of the house of representatives and the president of~~
21 ~~the senate, and one member shall be a representative of the department of~~
22 ~~personnel that oversees real estate services, who shall be an ex officio~~
23 ~~nonvoting member.~~

24 (3) (a) ~~The initial term for the member representing the Colorado~~
25 ~~board of veterans affairs and for the member representing the state capitol~~
26 ~~building advisory committee shall be three years. Thereafter, those~~
27 ~~members' terms shall be two-year terms. Except as provided in paragraph~~

1 ~~(b) of this subsection (3), the member appointed by the speaker of the~~
2 ~~house of representatives and the president of the senate shall serve a~~
3 ~~two-year term. Any vacancy on the committee shall be filled in the same~~
4 ~~manner provided for original appointments for the remainder of an~~
5 ~~unexpired term.~~

6 (b) ~~The term of the member appointed by the speaker of the house~~
7 ~~of representatives and the president of the senate and who is serving on~~
8 ~~March 22, 2007, shall be extended to and expire on or shall terminate on~~
9 ~~the convening date of the first regular session of the sixty-seventh general~~
10 ~~assembly. As soon as practicable after such convening date, the speaker~~
11 ~~and the president shall jointly appoint or reappoint one member in the~~
12 ~~same manner as provided in paragraph (a) of this subsection (3).~~
13 ~~Thereafter, the term of the member appointed or reappointed by the~~
14 ~~speaker and the president shall expire on the convening date of the first~~
15 ~~regular session of each general assembly, and all subsequent~~
16 ~~appointments and reappointments by the speaker and the president shall~~
17 ~~be made as soon as practicable after such convening date. Members~~
18 ~~appointed or reappointed by the speaker and the president shall serve at~~
19 ~~the pleasure of the appointing authority and shall continue in office until~~
20 ~~the member's successor is appointed.~~

21 (4) (a) THE PURPOSES OF THE TRUST FUND ARE TO MAINTAIN,
22 ENHANCE, AND REPAIR MONUMENTS AND MEMORIALS IN LINCOLN
23 VETERANS' MEMORIAL PARK AND ON THE GROUNDS SURROUNDING THE
24 STATE CAPITOL BUILDING.

25 (b) ~~The preservation trust committee shall have~~ STATE HISTORICAL
26 SOCIETY CREATED IN PART 2 OF THIS ARTICLE 80 HAS discretion in
27 determining the amount of ~~funds~~ MONEY to allocate from the trust fund

1 to meet the purposes of this part 14. Except ~~that~~ AS OTHERWISE PROVIDED
2 IN SUBSECTIONS (4)(c) TO (4)(f) OF THIS SECTION, only the interest derived
3 from the principal in the trust fund may be expended by the ~~preservation~~
4 ~~trust committee. All gifts, grants, and donations received by the~~
5 ~~department of personnel pursuant to subsection (5) of this section shall be~~
6 ~~credited to the trust fund and retained as principal in the trust fund~~ STATE
7 HISTORICAL SOCIETY. All interest earned on the investment of money in
8 the TRUST fund ~~shall be~~ IS continuously appropriated to the ~~department of~~
9 ~~personnel for allocation to the preservation trust committee~~ STATE
10 HISTORICAL SOCIETY. The ~~preservation trust committee~~ STATE HISTORICAL
11 SOCIETY shall determine annually how much of the interest generated
12 from the principal in the trust fund will be spent and shall determine and
13 approve what types of maintenance and repair work will be performed for
14 the purposes of ~~maintaining, enhancing, and repairing the Colorado~~
15 ~~veterans' monument and any fallen heroes memorials in Lincoln veterans'~~
16 ~~memorial park in Denver, Colorado, and for maintaining Lincoln~~
17 ~~veterans' memorial park. The principal of the trust fund and any~~
18 ~~unappropriated interest earned on the principal of the trust fund at the~~
19 ~~close of any fiscal year shall remain in the trust fund and shall not be~~
20 ~~transferred to or revert to the general fund~~ SET FORTH IN SUBSECTION
21 (4)(a) OF THIS SECTION.

22 (c) SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, THE
23 STATE HISTORICAL SOCIETY MAY EXPEND PRINCIPAL FROM THE TRUST
24 FUND FOR THE PURPOSES SET FORTH IN SUBSECTION (4)(a) OF THIS SECTION
25 IN STATE FISCAL YEAR 2027-2028 AND ONCE EVERY TWENTY STATE FISCAL
26 YEARS THEREAFTER.

27 (d) THE STATE HISTORICAL SOCIETY MAY EXPEND PRINCIPAL FROM

1 THE TRUST FUND FOR UNEXPECTED MAINTENANCE THAT IS NOT COVERED
2 BY INSURANCE, AS LONG AS THE MAINTENANCE IS NECESSARY AND
3 SUFFICIENT PRINCIPAL EXISTS IN THE TRUST FUND.

4 (e) MONEY GIFTED, GRANTED, DONATED, OR OTHERWISE CREDITED
5 TO THE TRUST FUND IN CONNECTION WITH THE PLACEMENT OF AN
6 APPROVED OBJECT OF ART OR MEMORIAL ON THE GROUNDS SURROUNDING
7 THE STATE CAPITOL BUILDING, AS DESCRIBED IN SECTION 24-82-108
8 (3)(h)(IV), IS CONTINUOUSLY APPROPRIATED TO THE STATE HISTORICAL
9 SOCIETY FOR THE LIFETIME MAINTENANCE OF THE OBJECT OF ART OR
10 MEMORIAL.

11 (f) DONATIONS MADE IN CONNECTION WITH A PERMIT TO USE THE
12 LINCOLN VETERANS' MEMORIAL PARK ARE CONTINUOUSLY APPROPRIATED
13 TO THE STATE HISTORICAL SOCIETY FOR MAINTAINING AND RESTORING
14 MONUMENTS AND MEMORIALS IN LINCOLN VETERANS' MEMORIAL PARK.

15 (5) ~~The department of personnel~~ STATE HISTORICAL SOCIETY is
16 authorized to receive gifts, grants, and donations from private or public
17 sources for the trust fund. ~~Such~~ THE gifts, grants, and donations ~~together~~
18 ~~with any other money appropriated or transferred by the general~~
19 ~~assembly, shall~~ MUST be transmitted to the state treasurer, who shall credit
20 the same to the trust fund. ~~Money in the trust fund shall be used for~~
21 ~~maintaining and enhancing the Colorado veterans' monument and Lincoln~~
22 ~~veterans' memorial park, but shall not be used to supplant existing~~
23 ~~appropriations for maintenance of the monument or Lincoln veterans'~~
24 ~~memorial park.~~ EXCEPT AS OTHERWISE SPECIFIED IN SUBSECTION (4) OF
25 THIS SECTION, ALL GIFTS, GRANTS, AND DONATIONS RECEIVED BY THE
26 STATE HISTORICAL SOCIETY PURSUANT TO THIS SUBSECTION (5) MUST BE
27 RETAINED AS PRINCIPAL IN THE TRUST FUND. For purposes of section 20

1 of article X of the state constitution, any donations received for the trust
2 fund ~~shall not be~~ ARE NOT included in state fiscal year spending.

3 (5.5) ON OR BEFORE DECEMBER 31, 2026, AND ON OR BEFORE
4 EACH DECEMBER 31 THEREAFTER, THE STATE HISTORICAL SOCIETY SHALL
5 SUBMIT A REPORT TO THE STATE CAPITOL BUILDING ADVISORY COMMITTEE
6 CREATED IN SECTION 24-82-108. THE REPORT MUST INCLUDE
7 INFORMATION ON:

8 (a) THE STATE HISTORICAL SOCIETY'S PLANS TO MAINTAIN,
9 ENHANCE, AND REPAIR MONUMENTS AND MEMORIALS IN LINCOLN
10 VETERANS' MEMORIAL PARK AND ON THE GROUNDS SURROUNDING THE
11 STATE CAPITOL BUILDING; AND

12 (b) THE ACTUAL AND PLANNED USE OF MONEY IN THE TRUST FUND.

13 **SECTION 2.** In Colorado Revised Statutes, 24-82-108, **add**
14 (3)(h)(IV) as follows:

15 **24-82-108. State capitol building advisory committee -**
16 **creation - duties - legislative declaration - repeal.**

17 (3) **Duties of the advisory committee.** The advisory committee
18 has the duties specified in subsections (3)(a) to (3)(i) of this section.

19 (h) **Proposals for a gift or loan of art and memorials.**

20 (IV) BEFORE RECOMMENDING A PROPOSAL FOR THE PLACEMENT
21 OF AN OBJECT OF ART OR MEMORIAL ON THE SURROUNDING GROUNDS OF
22 THE CAPITOL TO THE CAPITAL DEVELOPMENT COMMITTEE AND THE
23 GOVERNOR FOR APPROVAL, THE ADVISORY COMMITTEE SHALL ENSURE
24 THAT THE PROPOSAL INCLUDES FUNDING SUFFICIENT TO PROVIDE LIFETIME
25 MAINTENANCE OF THE PROPOSED OBJECT OF ART OR MEMORIAL. ONLY A
26 PROPOSAL THAT DEDICATES AT LEAST FIVE PERCENT OF ITS TOTAL BUDGET
27 TO MAINTENANCE INCLUDES FUNDING SUFFICIENT TO PROVIDE LIFETIME

1 MAINTENANCE OF THE PROPOSED OBJECT OF ART OR MEMORIAL. AFTER
2 THE CAPITAL DEVELOPMENT COMMITTEE AND THE GOVERNOR APPROVE A
3 PROPOSAL FOR THE PLACEMENT OF AN OBJECT OF ART OR MEMORIAL ON
4 THE SURROUNDING GROUNDS OF THE CAPITOL IN ACCORDANCE WITH
5 SUBSECTION (3)(h)(I)(B) OF THIS SECTION, THE MONEY IDENTIFIED IN THE
6 PROPOSAL FOR THE LIFETIME MAINTENANCE OF THE PROPOSED OBJECT OF
7 ART OR MEMORIAL MUST BE GIFTED, GRANTED, DONATED, OR OTHERWISE
8 CREDITED TO THE COLORADO VETERANS' MONUMENT PRESERVATION
9 TRUST FUND CREATED IN SECTION 24-80-1401.

10 **SECTION 3. Safety clause. The general assembly finds,**
11 **determines, and declares that this act is necessary for the immediate**
12 **preservation of the public peace, health, or safety or for appropriations for**
13 **the support and maintenance of the departments of the state and state**
14 **institutions.**