

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 16-0573.02 Jane Ritter x4342

HOUSE BILL 16-1125

HOUSE SPONSORSHIP

Roupe, Carver, Landgraf, Lontine, Dore

SENATE SPONSORSHIP

Baumgardner, Garcia, Lambert, Todd

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CREATING A COLORADO STATUTORY REFERENCE TO**
102 **CONFORM WITH THE FEDERAL DEFINITION OF "VETERAN".**

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 creates a Colorado statutory reference to conform with the federal definition of "veteran".

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

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.*

1 **SECTION 1. Legislative declaration.** The general assembly
2 finds and declares that it is beneficial to establish in Colorado law a
3 consistent definition of "veteran" and that it would be beneficial for this
4 definition to align with the federal definition of "veteran". The general
5 assembly also finds that the establishment of a consistent definition
6 should not limit the ability of the legislature to use an alternate definition,
7 as appropriate, for specific legislation.

8 **SECTION 2.** In Colorado Revised Statutes, **add 28-5-100.3** as
9 follows:

10 **28-5-100.3. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "ADMINISTRATOR" MEANS THE ADMINISTRATOR OF VETERANS'
13 AFFAIRS OF THE UNITED STATES OR HIS OR HER SUCCESSOR.

14 (2) "BENEFITS" MEANS ALL MONEYS PAID OR PAYABLE BY THE
15 UNITED STATES THROUGH THE VETERANS ADMINISTRATION.

16 (3) "ESTATE" MEANS INCOME ON HAND AND ASSETS ACQUIRED
17 PARTIALLY OR WHOLLY WITH INCOME.

18 (4) "GUARDIAN" MEANS ANY FIDUCIARY FOR THE PERSON OR
19 ESTATE OF A WARD.

20 (5) "INCOME" MEANS MONEYS RECEIVED FROM THE VETERANS
21 ADMINISTRATION AND REVENUE OR PROFIT FROM ANY PROPERTY WHOLLY
22 OR PARTIALLY ACQUIRED THEREWITH.

23 (6) "PERSON" MEANS AN INDIVIDUAL, A PARTNERSHIP, A
24 CORPORATION, OR AN ASSOCIATION.

25 (7) "VETERAN" MEANS A PERSON WHO SERVED IN THE ACTIVE
26 MILITARY, NAVAL, OR AIR SERVICE OF THE UNITED STATES AND WHO WAS
27 DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN

1 DISHONORABLE, IN ACCORDANCE WITH U.S.C. TITLE 38, AS AMENDED.

2 (8) "VETERANS ADMINISTRATION" MEANS THE VETERANS
3 ADMINISTRATION, ITS PREDECESSORS, OR ITS SUCCESSORS.

4 (9) "WARD" MEANS A BENEFICIARY OF THE VETERANS
5 ADMINISTRATION.

6 **SECTION 3.** In Colorado Revised Statutes, **repeal** 28-5-202.

7

8 **SECTION 4.** In Colorado Revised Statutes, **amend** 28-5-223 as
9 follows:

10 **28-5-223. Application.** The provisions of this part 2 relating to
11 surety bonds and the administration of estates of wards shall apply to all
12 "income" and "estate" as defined in ~~section 28-5-202~~ SECTION 28-5-100.3,
13 whether the guardian has been appointed under this part 2 or under any
14 other law of this state, special or general, prior or subsequent to the
15 enactment of this part 2.

16 **SECTION 5. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2016 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.