

CHAPTER 202

MILITARY AND VETERANS

HOUSE BILL 16-1397

BY REPRESENTATIVE(S) Ryden and Windholz, Duran, Hullinghorst, Kagan, Melton, Pettersen, Salazar, Tyler, Williams, Arndt, Becker J., Carver, Court, Esgar, Garnett, Hamner, Humphrey, Klingenschmitt, Lawrence, Lebsock, Lontine, Mitsch Bush, Moreno, Pabon, Primavera, Priola, Rosenthal, Roupe, Singer, Vigil, Winter, Young;
 also SENATOR(S) Hodge and Crowder, Aguilar, Carroll, Donovan, Garcia, Guzman, Heath, Jahn, Johnston, Jones, Kefalas, Kerr, Lambert, Martinez Humenik, Merrifield, Newell, Todd.

AN ACT

CONCERNING THE COMPLETION OF THE FITZSIMONS STATE VETERANS COMMUNITY LIVING CENTER TO PROVIDE A CONTINUUM OF RESIDENTIAL CARE OPTIONS.

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

SECTION 1. In Colorado Revised Statutes, **repeal and reenact, with amendments, 26-12-201.5** as follows:

26-12-201.5. Veterans state community living center at former Fitzsimons - legislative intent - continuum of residential care services and care for veterans and veterans' families - definitions. (1) SUBJECT TO AVAILABLE APPROPRIATIONS, THIS SECTION AUTHORIZES AND ESTABLISHES A STATE VETERANS COMMUNITY LIVING CENTER ON THE SITE OF THE FORMER FITZSIMONS ARMY MEDICAL CENTER. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE PROPERTY ON THE SITE OF THE FORMER FITZSIMONS ARMY MEDICAL CENTER IS FOR THE EXCLUSIVE USE OF VETERANS AND QUALIFYING FAMILY MEMBERS OF VETERANS. IT IS THE FURTHER INTENT OF THE GENERAL ASSEMBLY THAT ANY CONSTRUCTION ON THE PROPERTY ON THE SITE OF THE FORMER FITZSIMONS ARMY MEDICAL CENTER AFTER JANUARY 1, 2016, MUST BE COMPLETED CONSISTENT WITH THE ORIGINAL INTENT IN THE LANGUAGE OF THE 1999 MEMORANDUM OF AGREEMENT BETWEEN THE FITZSIMONS REDEVELOPMENT AUTHORITY, THE CITY OF AURORA, AND THE STATE DEPARTMENT.

(2) THE COMPLETION OF THE FITZSIMONS PROJECT PURSUANT TO THIS SECTION, AFTER JANUARY 1, 2016, IS NOT SUBJECT TO THE AVERAGE OCCUPANCY REQUIREMENTS OF SECTION 26-12-111 (4) FOR NEW CONSTRUCTION.

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

(3) THE STATE DEPARTMENT SHALL WORK TO EXPEDITIOUSLY DEVELOP THE VACANT PARCELS OF LAND TO THE NORTH AND SOUTH OF THE FITZSIMONS VETERANS COMMUNITY LIVING CENTER EXISTING AS OF JANUARY 1, 2016. THE VACANT PARCELS OF LAND MUST BE USED TO CONSTRUCT AND OPERATE FACILITIES THAT WILL PROVIDE A CONTINUUM OF RESIDENTIAL CARE OPTIONS EXCLUSIVELY FOR VETERANS OR QUALIFYING FAMILY MEMBERS OF VETERANS. THE CONTINUUM OF RESIDENTIAL CARE OPTIONS MAY INCLUDE, BUT NEED NOT BE LIMITED TO, DOMICILIARY AND ASSISTED LIVING, TRANSITIONAL HOUSING, PERMANENT SUPPORTIVE HOUSING, AND ANY SUCH OTHER RESIDENTIAL AND SUPPORTIVE SERVICES AS ARE NEEDED OR BENEFICIAL.

(4) THE STATE DEPARTMENT SHALL SEEK INPUT, AS APPROPRIATE, FROM THE BOARD OF COMMISSIONERS OF VETERANS COMMUNITY LIVING CENTERS CREATED PURSUANT TO SECTION 26-12-402, THE STATE BOARD OF VETERANS AFFAIRS, AND A STATEWIDE COALITION OF VETERANS ORGANIZATIONS.

(5) THE STATE DEPARTMENT SHALL ENSURE, THROUGH CONTRACTUAL OR OTHER MEANS, THAT THE PROPERTY CONTINUES IN PERPETUITY TO BE OPERATED EXCLUSIVELY FOR VETERANS AND QUALIFYING FAMILY MEMBERS OF VETERANS.

(6) THE STATE DEPARTMENT SHALL INCLUDE PROGRESS UPDATES ON THE FITZSIMONS PROJECT IN ITS ANNUAL REPORT AND SHALL PROVIDE QUARTERLY PROGRESS UPDATES TO THE MEMBERS OF THE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, ON OR BEFORE SEPTEMBER 30, 2016; DECEMBER 31, 2016; MARCH 31, 2017; AND JUNE 30, 2017.

(7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "QUALIFYING FAMILY MEMBER OF A VETERAN" MEANS A FAMILY MEMBER OF A VETERAN WHO QUALIFIES FOR SERVICES PURSUANT TO THE REQUIREMENTS ESTABLISHED BY THE FEDERAL VETERANS ADMINISTRATION.

(b) "VETERAN" MEANS A PERSON WHO SERVED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE OF THE UNITED STATES AND WHO WAS DISCHARGED OR RELEASED THEREFROM UNDER CONDITIONS OTHER THAN DISHONORABLE, IN ACCORDANCE WITH U.S.C. TITLE 38, AS AMENDED.

SECTION 2. In Colorado Revised Statutes, 26-12-402, **amend** (2) (a) as follows:

26-12-402. Board of commissioners of veterans community living centers - creation - powers and duties. (2) The functions of the board of commissioners are to:

(a) Advise the office, ~~and the~~ veterans centers, AND VETERANS COMMUNITY LIVING CENTERS located in Homelake, Florence, Rifle, Aurora, and Walsenburg, Colorado, INCLUDING THE COMPLETION OF THE FITZSIMONS VETERANS COMMUNITY LIVING CENTER IN AURORA;

SECTION 3. In Colorado Revised Statutes, 26-12-201, **amend** (2) (b) as follows:

26-12-201. Veterans community living centers authorized. (2) (b) Veterans centers must be located at or near the city of Florence, at or near the city of Walsenburg, at or near the city of Rifle, AT OR NEAR THE CITY OF AURORA, and in Homelake.

SECTION 4. 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.

Approved: June 1, 2016