

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0531.01 Esther van Mourik x4215

SENATE BILL 17-122

SENATE SPONSORSHIP

Tate,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE DUTIES OF THE FALLEN HEROES MEMORIAL**
102 **COMMISSION, AND, IN CONNECTION THEREWITH, REPEALING**
103 **THE COMMISSION AND SHIFTING ALL REMAINING**
104 **RESPONSIBILITIES TO THE STATE CAPITOL BUILDING ADVISORY**
105 **COMMITTEE.**

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>.)

The bill repeals the fallen heroes memorial commission and requires the state capitol building advisory committee to take on any

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.

remaining duties of the commission. The bill requires the state capitol building advisory committee to perform any remaining duties with the assistance of the department of personnel and the Fallen Heroes Memorial Fund, Inc., a Colorado 501(c)(3) organization established to raise money for the construction of the memorial.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) On April 26, 2007, Colorado Governor Bill Ritter signed into
5 law Senate Bill 07-086 endorsing a memorial to be erected to honor
6 Coloradans killed during World War I, World War II, the Korean War,
7 the Vietnam War, the Persian Gulf War, and the Wars in Afghanistan and
8 Iraq. The bill also created the Colorado Fallen Heroes Memorial
9 Commission, charged with the design of the memorial, location selection,
10 and all fundraising.

11 (b) As the work of the Colorado Fallen Heroes Memorial
12 Commission is mostly complete, it is efficient to repeal the commission
13 and require the existing state capitol building advisory committee to
14 perform any remaining duties with the assistance of the department of
15 personnel and the Fallen Heroes Memorial Fund, Inc., a Colorado
16 501(c)(3) organization established to raise money for the construction of
17 the memorial.

18 **SECTION 2.** In Colorado Revised Statutes, **repeal** 24-80-1402
19 as follows:

20 **24-80-1402. Fallen heroes memorial commission - fund -**
21 **repeal.** ~~(1)(a) There is hereby created in the department of personnel the~~
22 ~~fallen heroes memorial commission, referred to in this section as the~~
23 ~~"commission", to erect memorials near the Colorado veterans monument~~

1 in Lincoln park to commemorate the lives of Coloradans who died during
2 specific military conflicts. The commission shall consist of five members.
3 The governor, president of the senate, minority leader of the senate,
4 speaker of the house of representatives, and minority leader of the house
5 of representatives shall each appoint one member of the commission. The
6 appointing authorities are encouraged to appoint veterans of foreign wars
7 to the commission. Members of the commission shall serve terms of four
8 years. A member may be reappointed to serve only one additional term.

9 (b) Notwithstanding the provisions of section 2-2-307, C.R.S.,
10 members of the commission, including any legislative members, shall not
11 receive compensation for serving on the commission, but may be
12 reimbursed for necessary expenses out of the fallen heroes memorials
13 construction fund created in subsection (3) of this section.

14 (c) The commission shall elect from its members a chair and
15 vice-chair and may establish procedures for the commission to follow.

16 (d) The commission shall make recommendations on the design
17 and siting of appropriate memorials for such commemoration to the
18 preservation trust committee created pursuant to section 24-80-1401. The
19 preservation trust committee shall submit a proposal for the design and
20 siting of appropriate memorials to the state capitol building advisory
21 committee created pursuant to section 24-82-108. The state capitol
22 building advisory committee shall be responsible for the final approval of
23 the design and siting of the appropriate memorials.

24 (e) In preparing its proposal for the design and siting of
25 appropriate memorials pursuant to this section, the preservation trust
26 committee shall coordinate with the planning department for the city and
27 county of Denver.

1 ~~(f) The first memorial shall be to honor servicemen and~~
2 ~~servicewomen killed after September 11, 2001, during the war on~~
3 ~~terrorism, including but not limited to those killed in Afghanistan and~~
4 ~~Iraq. The proposal submitted by the preservation trust committee pursuant~~
5 ~~to paragraph (d) of this subsection (1) may include memorials for~~
6 ~~servicemen and servicewomen killed during the first world war, the~~
7 ~~second world war, the Korean war, the Vietnam war, and such other~~
8 ~~military conflicts as the preservation trust committee may determine are~~
9 ~~appropriate.~~

10 ~~(2) (a) The commission is authorized to solicit and accept gifts,~~
11 ~~grants, and donations to erect and maintain fallen heroes memorials. Any~~
12 ~~moneys received by the board shall be deposited in the fallen heroes~~
13 ~~memorials construction fund created in subsection (3) of this section. The~~
14 ~~commission shall not incur any obligation for the memorials in excess of~~
15 ~~the moneys available in the fund.~~

16 ~~(b) The department of personnel shall not provide any assistance~~
17 ~~to the commission until it can do so within existing appropriations.~~

18 ~~(3) (a) There is hereby created in the state treasury the fallen~~
19 ~~heroes memorials construction fund, referred to in this section as the~~
20 ~~"fund". The fund shall consist of:~~

21 ~~(I) All general fund moneys appropriated to the fund; and~~

22 ~~(II) All private and public funds received through gifts, grants, or~~
23 ~~donations for the design or construction of fallen heroes memorials.~~

24 ~~(b) Any moneys in the fund not expended for the purpose of this~~
25 ~~section may be invested by the state treasurer as provided by law. All~~
26 ~~interest and income derived from the investment and deposit of moneys~~
27 ~~in the fund shall be credited to the fund. Any unexpended and~~

1 unencumbered moneys remaining in the fund at the end of a fiscal year
2 shall remain in the fund and shall not be credited or transferred to the
3 general fund or another fund.

4 (c) ~~Once the preservation trust committee determines that~~
5 ~~appropriate memorials have been erected, the committee may request that~~
6 ~~the treasurer transfer, and the treasurer shall transfer, any moneys~~
7 ~~remaining in the fund to the Colorado veterans' monument preservation~~
8 ~~trust fund created pursuant to section 24-80-1401.~~

9 (4) ~~This section is repealed, effective July 1 of the year following~~
10 ~~the receipt by the revisor of statutes of certification from the executive~~
11 ~~director of the department of personnel that the appropriate memorials~~
12 ~~have been erected and any moneys remaining in the fund have been~~
13 ~~transferred pursuant to paragraph (c) of subsection (3) of this section.~~

14 **SECTION 3.** In Colorado Revised Statutes, 24-82-108, **add** (3)(i)
15 as follows:

16 **24-82-108. State capitol building advisory committee -**
17 **creation - repeal.** (3) The advisory committee shall have the following
18 duties:

19 (i) (I) THE ADVISORY COMMITTEE SHALL BE RESPONSIBLE FOR ANY
20 REMAINING DUTIES OF THE FORMER FALLEN HEROES MEMORIAL
21 COMMISSION AS IT EXISTED IN SECTION 24-80-1402 PRIOR TO ITS REPEAL.
22 THE ADVISORY COMMITTEE SHALL PERFORM ANY REMAINING DUTIES WITH
23 THE ASSISTANCE OF THE DEPARTMENT OF PERSONNEL AND A COLORADO
24 501(c)(3) ORGANIZATION CREATED FOR THE PURPOSE OF RAISING FUNDS
25 FOR THE CONSTRUCTION OF THE FALLEN HEROES MEMORIAL.

26 (II) THIS SUBSECTION (3)(i) IS REPEALED, EFFECTIVE JULY 1 OF THE
27 YEAR FOLLOWING THE RECEIPT BY THE REVISOR OF STATUTES OF

1 CERTIFICATION FROM THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
2 PERSONNEL THAT THE APPROPRIATE MEMORIALS HAVE BEEN
3 CONSTRUCTED.

4 **SECTION 4. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2018 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.