

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0750.01 Conrad Imel x2313

SENATE BILL 18-112

SENATE SPONSORSHIP

Jahn and Crowder,

HOUSE SPONSORSHIP

Lawrence,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING AN OUTDOOR ACTIVITY GRANT PROGRAM FOR MENTAL
102 HEALTH THERAPY FOR VETERANS.

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 creates the veterans outdoor terrain restoration and recreation mental health grant program (program) in the division of veterans affairs within the state department of military and veterans affairs (division) to provide money to nonprofit and for-profit organizations that provide outdoor restoration and recreation activities for veterans. On or before January 1, 2019, the adjutant general, in

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

consultation with the board of veterans affairs, shall adopt rules for the administration of the program, including a requirement that organizations receiving money from the program carry insurance.

The veterans outdoor terrain restoration and recreation mental health grant program cash fund is created and consists of any money received by the division as gifts, grants, or donations and such money as is appropriated to the fund by the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 28-5-713 as
3 follows:

4 **28-5-713. Veterans outdoor terrain restoration and recreation**
5 **mental health grant program - rules.** (1) (a) THERE IS CREATED IN THE
6 DIVISION OF VETERANS AFFAIRS THE VETERANS OUTDOOR TERRAIN
7 RESTORATION AND RECREATION MENTAL HEALTH GRANT PROGRAM,
8 REFERRED TO IN THIS SECTION AS THE "PROGRAM", TO PROVIDE MONEY TO
9 NONPROFIT AND FOR-PROFIT ORGANIZATIONS THAT PROVIDE SERVICES FOR
10 VETERANS TO ENGAGE IN OUTDOOR RESTORATION OR RECREATION
11 ACTIVITIES, OR BOTH, TO ENSURE THE HEALTH AND WELL-BEING OF
12 VETERANS OF THE UNITED STATES ARMED FORCES WHO LIVE IN
13 COLORADO. SUCH RESTORATION AND RECREATION ACTIVITIES MUST
14 DIRECTLY RELATE TO ENSURING THE MENTAL HEALTH AND WELL-BEING OF
15 VETERANS AND MAY INCLUDE, BUT ARE NOT LIMITED TO:

16 (I) BASIC FOREST RESTORATION;

17 (II) BACKPACKING;

18 (III) CAMPING;

19 (IV) FISHING;

20 (V) ROCK CLIMBING;

21 (VI) RESTORING BEETLE KILL;

22 (VII) SKYDIVING;

- 1 (VIII) SKIING;
- 2 (IX) TRAIL RESTORATION; AND
- 3 (X) WHITEWATER RAFTING.

4 (b) RESTORATION AND RECREATION ACTIVITIES PROVIDED
5 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION MAY NOT INCLUDE:

6 (I) ACTIVITIES REGULARLY PERFORMED IN THE COURSE OF
7 EMPLOYMENT WITH THE ORGANIZATION PROVIDING SERVICES PURSUANT
8 TO THIS SECTION THAT ARE NOT RELATED TO RECREATION OR TO THE
9 RESTORATION OF SITES, SCENES, OPEN SPACE, AND VISTAS OF SCIENTIFIC,
10 HISTORIC, AESTHETIC, OR OTHER PUBLIC INTEREST;

11 (II) ACTIVITIES REGULARLY PERFORMED PURSUANT TO A
12 SENTENCE TO PERFORM COMMUNITY OR USEFUL PUBLIC SERVICE THAT ARE
13 NOT RELATED TO THE RESTORATION OF SITES, SCENES, OPEN SPACE, AND
14 VISTAS OF SCIENTIFIC, HISTORIC, AESTHETIC, OR OTHER PUBLIC INTEREST;

15 (III) ATTENDANCE AS A SPECTATOR AT AN OUTDOOR SPORTING
16 EVENT; AND

17 (IV) RECREATION ACTIVITIES THAT UTILIZE ALL-TERRAIN
18 VEHICLES, AS DEFINED IN SECTION 42-6-102 (1), OR OFF-HIGHWAY
19 VEHICLES, AS DEFINED IN SECTION 42-6-102 (11.5).

20 (c) NOTWITHSTANDING SUBSECTION (1)(b)(IV) OF THIS SECTION,
21 ALL-TERRAIN VEHICLES, OFF-HIGHWAY VEHICLES, AND ANY OTHER
22 VEHICLES MAY BE USED IN THE NORMAL COURSE OF RESTORATION
23 ACTIVITIES TO ASSIST IN ACCOMPLISHING TERRAIN RESTORATION.

24 (2) ON OR BEFORE JANUARY 1, 2019, THE ADJUTANT GENERAL, IN
25 CONSULTATION WITH THE BOARD OF VETERANS AFFAIRS CREATED IN
26 SECTION 28-5-702, SHALL ADOPT RULES FOR THE ADMINISTRATION OF THE
27 PROGRAM, INCLUDING BUT NOT LIMITED TO:

1 (a) CRITERIA FOR DETERMINING WHICH ORGANIZATIONS ARE
2 ELIGIBLE TO RECEIVE MONEY FROM THE PROGRAM;

3 (b) A REQUIREMENT THAT ORGANIZATIONS THAT RECEIVE MONEY
4 FROM THE PROGRAM MAINTAIN INSURANCE AGAINST CLAIMS AND
5 LIABILITIES ARISING IN CONNECTION WITH SERVICES FUNDED BY MONEY
6 FROM THE PROGRAM;

7 (c) PROCEDURES BY WHICH ELIGIBLE ORGANIZATIONS MAY APPLY
8 FOR AND RECEIVE MONEY FROM THE PROGRAM; AND

9 (d) ACTIVITIES THAT MAY NOT BE FUNDED BY THE PROGRAM
10 PURSUANT TO SUBSECTIONS (1)(b)(I) AND (1)(b)(II) OF THIS SECTION.

11 (3) (a) THERE IS CREATED THE VETERANS OUTDOOR TERRAIN
12 RESTORATION AND RECREATION MENTAL HEALTH GRANT PROGRAM CASH
13 FUND, REFERRED TO IN THIS SECTION AS THE "FUND", WHICH CONSISTS OF:

14 (I) MONEY RECEIVED BY THE DIVISION AS GIFTS, GRANTS, OR
15 DONATIONS PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION; AND

16 (II) SUCH MONEY AS IS APPROPRIATED TO THE FUND BY THE
17 GENERAL ASSEMBLY.

18 (b) THE MONEY IN THE FUND IS SUBJECT TO ANNUAL
19 APPROPRIATION TO THE DIVISION BY THE GENERAL ASSEMBLY FOR THE
20 DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THE
21 PROGRAM. THE STATE TREASURER MAY INVEST ANY MONEY IN THE FUND
22 NOT EXPENDED FOR THE PURPOSES OF THIS SECTION AS PROVIDED BY LAW.
23 THE STATE TREASURER SHALL CREDIT ANY INTEREST AND INCOME
24 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO
25 THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND
26 AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND SHALL NOT BE
27 CREDITED TO ANY OTHER FUND.

1 (c) THE DIVISION MAY EXPEND NOT MORE THAN FIVE PERCENT OF
2 THE MONEY ANNUALLY APPROPRIATED TO THE FUND TO PAY THE
3 ADMINISTRATIVE EXPENSES INCURRED BY THE DIVISION IN ADMINISTERING
4 THE PROGRAM.

5 (d) THE DIVISION IS AUTHORIZED TO SOLICIT AND ACCEPT GIFTS,
6 GRANTS, AND DONATIONS FOR THE PURPOSES DESCRIBED IN THIS SECTION.
7 THE DIVISION SHALL TRANSFER EACH SUCH GIFT, GRANT, AND DONATION
8 TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

9 (4) IN ITS ANNUAL REPORT BEFORE THE HOUSE AND SENATE
10 COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203, THE
11 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL INCLUDE
12 INFORMATION DESCRIBING THE GRANTS AWARDED THROUGH THE
13 PROGRAM DURING THE PRECEDING YEAR AND HOW ACTIVITIES FUNDED BY
14 THOSE GRANTS DIRECTLY RELATE TO ENSURING THE MENTAL HEALTH AND
15 WELL-BEING OF VETERANS.

16 **SECTION 2. 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 8, 2018, if adjournment sine die is on May 9, 2018); 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 2018 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.