

# MILITARY ISSUES

## Benefits, Entitlements, and Services

### Motor Vehicles and Transportation

**HB 10-1139** (Enacted)

*Iraq Afghanistan Veteran License  
Plates*

**HB 10-1209** (Enacted)

*Voluntary Military Driver's License*

**SB 10-075** (Enacted)

*Military Vehicles License Plates*

**SJR 10-025** (Adopted)

*State Highway 96 All Veterans  
Memorial Highway*

### Wounded Warrior Programs

**SB 10-211** (Enacted)

*Wounded Warrior Big Game  
Hunting License*

**HJR 10-1005** (Adopted)

*Honoring Wounded Warriors*

### Nursing Homes

**HB 10-1426** (Deemed Lost)

*Trinidad State Nursing Home Fund*

## Other

### Facilities

**HB 10-1140** (Enacted)

*Veterans Trust Fund Guard  
Armories*

**HB 10-1205** (Enacted)

*Local Land Use Planning for  
Military Installations*

### Courts

**HB 10-1104** (Enacted)

*Veterans Treatment Court*

### Service Member Remains

**SB 10-047** (Enacted)

*Service Member Designation Last  
Remains*

### Resolutions

**HJR 10-1004** (Adopted)

*Military Day 2010*

**HJR 10-1008** (Adopted)

*Memorializing Fallen Soldiers*

**SJR 10-048** (Adopted)

*Vietnam Veterans Resolution*

During the 2010 legislative session, the General Assembly considered numerous issues regarding members of the armed forces and their families, as well as Colorado veterans. A summary of the legislation considered by the General Assembly pertaining to military issues follows.

## **Benefits, Entitlements, and Services**

***Motor vehicles and transportation.*** The General Assembly adopted four transportation-related measures in 2010 associated with military issues. Two of these measures pertain to vehicle license plates. **House Bill 10-1139** creates the Afghanistan War and Iraq War veterans special license plates, available to veterans who served in those conflicts. The act establishes the criteria for issuing these special license plates. **Senate Bill 10-075** allows owners of military vehicles to forego displaying the vehicle's license plate, so long as the plate is in the vehicle and available for inspection by peace officers upon request. The act defines "military vehicle" as a vehicle valued for historical purposes that was made for use by any nation's armed forces, and that is maintained in a condition representing its military design and markings.

**House Bill 10-1209** allows a member or veteran of the armed services to request that an emblem be placed on his or her driver's license that identifies the branch of service with which the service member or veteran serves or has served. The act requires the applicant to possess documentation proving service and pay a \$15 fee to have the identifier placed on his or her driver's license. Under the act, a portion of the fee is used to offset the costs of implementing the act, and the remainder is credited to the Highway Users Tax Fund to be used for road projects.

**Senate Joint Resolution 10-025** names the portion of State Highway 96 in Crowley County as "All Veterans Memorial Highway," and allows the Department of Transportation to accept gifts, grants, donations, and federal funds to pay for signage. The resolution also allows the department to explore a cooperative agreement with Crowley County's board of commissioners to maintain the signage.

***Wounded Warrior programs.*** Wounded Warrior programs provide programs and services to meet the needs of severely injured service members. **Senate Bill 10-211** allows the Colorado Wildlife Commission to promulgate rules to reduce or eliminate big-game hunting license fees and establish a big-game hunting license preference for members of the United States Armed Forces Wounded Warrior programs. Eligible beneficiaries are post-September 11, 2001, service members participating in Wounded Warrior programs who are residents of, or stationed in, Colorado and whose combat injuries are severe enough to require years of intense, ongoing care or assistance. The act outlines the eligible Wounded Warrior programs, and allows the commission to adopt rules for implementing the act.

**House Joint Resolution 10-1005** honors those service members who have been wounded during service, and applauds the assistance provided to service members through the Warrior Transition Battalion and Wounded Warrior Program at Fort Carson. The resolution further expresses commitment to providing high-quality care to troops returning home in need of aid. Established in 2007, the Warrior Transition Battalion provides returning injured troops with specialized care. The most severely wounded soldiers and veterans are assigned to the Wounded Warrior Program, which provides personalized, local support; recovery assistance; and counseling.

***Nursing homes.*** State law pools money allocated for the operation and maintenance of the four state veterans nursing homes and the Trinidad State Nursing Home in a central fund. **House Bill 10-1426**, which was deemed lost, would have created the Trinidad State Nursing Home Cash Fund, thus segregating all of the moneys allocated to this home from the moneys dedicated to the

four state veterans nursing homes. The Trinidad State Nursing Home currently operates at a \$0.9 million yearly deficit, which is covered by a General Fund subsidy.

## **Other Military Issues**

The General Assembly considered a number of additional measures regarding military and veterans issues during the 2010 legislative session, including legislation affecting military facilities, the establishment of veterans treatment courts, and disposition of a service member's last remains.

**Facilities. House Bill 10-1140** allows Colorado State Veterans Trust Fund moneys to be used for National Guard armory construction projects in Alamosa, Grand Junction, and Windsor. The Veterans Trust Fund receives funding from the Tobacco Master Settlement Agreement. Prior to the passage of HB 10-1140, moneys in the fund were used for improvements at state veterans nursing homes, operations at state veterans cemeteries, and grants to veterans programs operated by nonprofit organizations. Authority to use moneys from the fund for armory construction is repealed July 1, 2012, and the bill states that it is the intent of the General Assembly that the Department of Military and Veterans Affairs and the Office of State Planning and Budgeting ensure moneys dedicated to such construction be repaid to the trust fund. Passage of HB 10-1140 contributes to the state's 25 percent funding match of the federal government's contribution for the armory projects.

**House Bill 10-1205** modifies law relating to land use planning by county and municipal governments to address the impacts of military installations in close proximity to local governments. Previously, a local government with a military installation, or a portion of a military installation, within its territory was required to submit to the commanding officer of the installation information about proposed changes to the local government's zoning plan or land development regulations within two miles of the installation. The act alters this provision by applying the information submission requirements to local governments within two miles of military installations and requiring local governments to also submit the information to installation flying mission commanding officers. Under the act, a military installation now has 14 business days to review the information and submit comments to the local government; previously, there was no set deadline for comments in state law.

Further, HB 10-1205 changes the definition of "military installation" to apply to facilities larger than 500 acres, down from 1,000 acres under previous law. The act requires a county or municipal master plan to reflect off-site impacts of a military installation using noise contour data provided by the U.S. Department of Defense. The act clarifies that it is not intended to require a local government to prepare a new master plan in order to comply with the act. Finally, the act includes military installations in the list of public facilities that may be included in a county or municipal master plan.

**Courts. House Bill 10-1104** authorizes a judicial district to establish a veterans treatment court, and allows the State Court Administrator to seek federal funding to establish, maintain, or expand such courts. Veterans treatment courts hear cases involving veterans with service-related mental health or substance abuse issues. The U.S. Department of Health and Human Services created a grant program in 2008 to divert those suffering from trauma-related disorders away from the criminal justice system, with an emphasis on veterans. There is currently one veterans treatment court in Colorado.

***Service member remains.*** State law allows a person to execute a declaration regarding the disposition of his or her last remains, including appointing another person to direct the disposition. For members of the armed forces, including National Guard members called into federal service, who have signed a valid federal record of emergency data, **Senate Bill 10-047** specifies that the federal record is the controlling record with regard to the person authorized to direct the disposition of last remains. Under the bill, the federal record controls even if the service member signs a disposition declaration after signing the federal record. The bill requires a person authorized to direct disposition of a person's last remains pursuant to the federal record of emergency data to do so in accordance with the decedent's most recent declaration.

***Resolutions.*** The General Assembly adopted three resolutions during the 2010 legislative session honoring veterans and members of the armed forces. **House Joint Resolution 10-1004** expresses the General Assembly's gratitude for the military service of veterans and those currently serving in the armed services, expresses gratitude to family members of service members and veterans, and honors and remembers prisoners of war and those missing in action from previous conflicts. Additionally, the resolution encourages the celebration of Colorado's Military, Veterans, and MIA/Pow Appreciation Day.

**House Joint Resolution 10-1008** honors those Coloradans who have lost their lives serving in Operation Iraqi Freedom and Operation Enduring Freedom, and further honors those military personnel from Colorado who have served or are currently serving in these theaters. The resolution lists all of those service members stationed at Fort Carson and those from Colorado who have lost their lives serving in these operations since January 2009. **Senate Joint Resolution 10-048** honors those from Colorado who served in the Vietnam War, and designates "Welcome Home Vietnam Veterans Day."