

Military Issues

Disabled Veterans and Wounded Warriors

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HB 11-1226 (Enacted)
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*Uniform Military and Overseas Voters
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Repeal Authority Sell Trinidad Nursing

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*National Guard Quarters & Billeting
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HB 11-1037 (Enacted)
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*Exempt Active Military Professional
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HJR 11-1005 (Adopted)
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HJR 11-1006 (Adopted)
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HJR 11-1021 (Adopted)
Vietnam Veterans Recognition

HJR 11-1022 (Adopted)
Military Family Month

During the 2011 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.

Disabled Veterans and Wounded Warriors

Wounded Warrior programs provide services to meet the needs of severely injured service members. **Senate Bill 11-024** authorizes the Board of Parks and Outdoor Recreation in the Department of Natural Resources to promulgate rules to allow members of the armed forces wounded warriors programs, and caretakers accompanying them in the same vehicle, free entrance to any state park or recreation area. Wounded warriors who are residents of, or are stationed in Colorado, would be eligible for free entrance. The bill also authorizes the board to promulgate rules to allow all veterans free entrance to any state park on one day each year of the board's choosing, which is consistent with the department's existing policy of providing free admission to veterans on Veterans' Day.

House Bill 11-1226 relates to the administration of the state's property tax exemption for disabled veterans. The Division of Veterans Affairs uses social security numbers to verify the veteran status of applicants for the disabled veteran property tax exemption. The bill eliminates the requirement that the first five digits of the social security number be removed or permanently obscured on the approved application the division forwards to the county assessor.

Elections

The federal Military and Overseas Voter Empowerment Act (MOVE Act) of 2009 updated existing federal law regarding the rights of members of the armed services, their family members, and other U.S. citizens living outside the United States to vote in U.S. elections. Among other provisions, the MOVE Act requires that states transmit validly requested absentee ballots to these voters no later than 45 days before a federal election. This requirement applies when the request for an absentee ballot has been received by that date.

The General Assembly adopted two bills that address the requirements of the MOVE Act. **House Bill 11-1219** adopts uniform state laws related to the MOVE Act, including specifying that the law applies to members of the active or reserve components of the U.S. military who are on active duty and are qualified to vote, eligible voters who reside overseas and were last eligible to vote in Colorado, and spouses and dependents of these individuals who are absent from the state as a result of the covered voter. The voting procedures in the bill apply to:

- a general, congressional vacancy, or primary election for federal office;
- a general, recall, or primary election for statewide or state legislative office or state ballot measure; and
- any other election coordinated by the county clerk and recorder.

Under House Bill 11-1219, the Secretary of State is required to make information available to covered voters on the procedures for registering to vote and casting a military-overseas ballot. The Secretary of State is also required to create various forms, applications, and other material related to military and overseas voting and to electronically provide election information and materials. The bill establishes procedures for voter registration; allowable means of transmitting ballots to voters; deadlines for the mailing, receipt, and counting of military-overseas ballots; and other provisions. The bill also makes conforming amendments to existing state election law. **Senate Bill 11-189** moves up the dates for primary elections and precinct caucuses in even-numbered election years and adjusts various election deadlines to comply with the MOVE Act. Notably, under this legislation, primary elections in 2012 will be held on June 26 (the last Tuesday in June), up from the second Tuesday in August designated in current law. Deadlines for candidate petitions and party caucuses will also occur earlier in the year.

The General Assembly also considered bills that would modify the process for uniformed service voters to request and receive ballots. **House Bill 11-1321**, which was postponed indefinitely, would have allowed a uniformed services voter to verbally provide information to a commissioned officer in order to complete a mail-in ballot request on behalf of the voter. **House Bill 11-1322**, which was deemed lost, would have transferred \$100,000 from the Department of State Cash Fund to the Internet-based Voting Pilot Program, which was created by the legislature in 2009. The pilot program is currently funded only by gifts, grants, and donations.

Facilities

House Bill 11-1237 creates the Chargeable Quarters and Billeting Cash Fund. Revenue to the fund is to come from moneys generated by the public or private use of Colorado Army National Guard Facilities. The fund is continuously appropriated for the specific purpose of defraying costs at National Guard training facilities, including salaries, maintenance, and operations.

House Bill 11-1038, which was postponed indefinitely, would have repealed the authority of the Department of Human Services to sell the Trinidad State Nursing Home. The sale was authorized by the General Assembly in 2009 under Senate Bill 09-056. 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, so continued operation of this facility would have required subsidies from veterans nursing homes to cover operating losses.

Military Families

House Bill 11-1027 creates a pilot program in the Department of Human Services (DHS) for licensing child care facilities using federal Department of Defense (DOD) quality standards. Facilities may apply to participate in the pilot program and sites will be selected by the DHS with input from local agencies. The pilot facilities are to serve military families, and those families are allowed to use their federal child care stipends to pay for off-base child care at the pilot sites. Selected facilities must meet federal DOD standards and comply with DHS rules, as well as the requirements of the bill concerning services and staffing. The DHS and local health agencies may charge fees on participating facilities to cover the costs of the pilot program, including additional inspections. Gifts, grants, and donations may also be received by the DHS to offset program costs.

House Bill 11-1037 extends the voluntary contribution designation (or income tax checkoff) benefitting the Military Family Relief Fund from income tax year 2011 through income tax year 2015. This checkoff first appeared on the 2005 income tax form, and the money collected is used for emergency grants for financial hardships to members of the Colorado National Guard or reservists and their families when ordered to active military duty. Grants are also awarded to active duty military personnel stationed in Colorado and their family members when the active duty military member is deployed to a declared hostile fire zone.

Professional Regulation

The General Assembly adopted two bills in 2011 that aid military personnel in maintaining and obtaining professional licensure. **House Bill 11-1013** exempts active military personnel from licensing and certification fees, and from continuing education requirements of regulatory programs in the Department of Regulatory Agencies (DORA), except that the provisions of the bill do not apply to the Division of Real Estate. Military personnel are exempt during the period of active service, and for six months after the date of discharge as long as active service is 120 days or longer. **House Bill 11-1100** requires the Division of Registrations in DORA to accept an applicant's education, training, or service completed while a member of the armed services toward the qualifications to receive a professional license or certification.

Miscellaneous

Under current law, property owned and used by fraternal and veteran's organizations for a charitable purpose, such as a grange hall, is generally exempt from property tax. An incidental use of such property, which is not exempt from property tax, may nonetheless be exempt under certain circumstances. In addition, current law contains an exception from an annual reporting requirement for such property that only applies if the gross income from such use is less than \$10,000 annually. **House Bill 11-1010** eliminates the requirement that the nonexempt usage be on an occasional basis in order to qualify for the incidental exemption and raises the threshold for the reporting requirement exception to \$25,000 annually.

Senate Bill 11-033, which was postponed indefinitely, would have required the Honor and Remember Flag to be displayed on the State Capitol grounds on Memorial Day and Veterans Day. Other state institutions would have been permitted, but not required, to display the flag on these holidays. The Honor and Remember Flag is described as a memorial to all American service men and women who have lost their lives in the line of duty.

Senate Bill 11-037 creates a World War II specialty license plate, available to applicants who were members of the U.S. armed services between September 16, 1940, and July 25, 1947.

Resolutions

The General Assembly adopted six resolutions during the 2011 legislative session honoring veterans and members of the armed services. **House Joint Resolution 11-1021** honors and expresses appreciation for military veterans in Colorado who served in Vietnam, and **Senate Joint Resolution 11-034** honors and remembers soldiers from Colorado who served in the First World War. The General Assembly's annual Military Day resolution, **House Joint Resolution 11-1004**, acknowledges and thanks the state's veterans, military members, and their families. The resolution also encourages the celebration of POW/MIA Appreciation Day and remembers those prisoners of war and those missing in action from previous conflicts.

House Joint Resolution 11-1006 recognizes fallen soldiers from Colorado, memorializing those who made the ultimate sacrifice in Iraq in Operation Iraqi Freedom and Operation New Dawn and in Afghanistan in Operation Enduring Freedom since January of 2010. The resolution remembers 21 soldiers who were based at Fort Carson and 7 soldiers from Colorado who were deployed with military units based in other states.

The General Assembly recognized the crew of the U.S.S. Pueblo in **House Joint Resolution 11-1005** and designated January 23 of each year as U.S.S. Pueblo Day.

House Joint Resolution 11-1022 honors military families and thanks them for their contributions in support of the nation's service members, recognizing the month of November as "Military Family Month" in the state of Colorado.