

MILITARY ISSUES

Elections SB 12-062 (Enacted) <i>Voting by Military Personnel</i>		
Employment HB 12-1113 (Postponed Indefinitely) HB 12-1259 (Postponed Indefinitely) <i>Preferences in State Public Contracts</i> <i>Waive Confidentiality Unemployment Benefits</i>		
Facilities HB 12-1063 (Enacted) <i>Military Veterans Cemetery at Homelake Expansion</i>		
Military Families HB 12-1059 (Enacted) HB 12-1350 (Enacted) <i>Military Spouse Practice Occupation Profession</i> <i>In-state Status Dependents Armed Forces Members</i>		
Miscellaneous HB 12-1035 (Postponed Indefinitely) HB 12-1128 (Postponed Indefinitely) SB 12-141 (Postponed Indefinitely) <i>Repeal Veterans Identifier Fee</i> <i>No Discrimination Based on Unconventional Attire</i> <i>Mortgage Loan Qualifications Military Occupancy</i> SCR 12-002 (Postponed Indefinitely) <i>Lottery Games for State Veterans Assistance Grants</i>		
Resolutions HJR 12-1003 (Adopted) HJR 12-1005 (Adopted) HJR 12-1006 (Adopted) <i>Tuskegee Airmen Memorial Trail I-70</i> <i>Military Day</i> <i>Honoring the U.S.S. Pueblo</i> HJR 12-1007 (Adopted) HJR 12-1008 (Adopted) SJR 12-040 (Adopted) <i>Fallen Heroes Memorial Resolution</i> <i>Fallen Soldiers Resolution</i> <i>Colorado Bar Association and Veteran Trauma Court</i>		

During the 2012 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.

Elections

In 2009, the General Assembly passed legislation requiring the Secretary of State to develop an Internet-based voting pilot program in select political subdivisions to facilitate voting by military personnel serving outside the United States, starting with the 2012 election. That legislation, House Bill 09-1205, allowed the Department of State to implement the pilot program only if sufficient gifts, grants, and donations were obtained to cover the costs of implementation.

Senate Bill 12-062 initially sought to transfer \$100,000 from the Department of State Cash Fund to partially fund the pilot program in 2012. However, the transfer is no longer necessary because funding for the pilot program is being addressed through the annual budget process beginning in FY 2011-12. As amended, Senate Bill 12-062:

- adds an identification card issued by the federal Veterans Health Administration as an allowable form of identification for voting purposes;
- allows overseas military voters in a hostile fire zone to request a mail ballot by providing an officer, either verbally or in writing, with the information necessary to request a mail-in ballot on the voter's behalf; and
- requires county clerks to accept an unsigned federal postcard application for a voter if an officer provides a signed statement stating that the voter provided this information.

Employment

House Bill 12-1113, which was postponed indefinitely, would have granted several state contracting preferences to bidders based on a bidder's employment practices or status, including a preference for veterans and veteran-owned businesses. The veterans' preference would have subtracted 2.5 percent of a bid price in competitive bids on contracts for goods and services when the bidder was a veteran or a veteran business. For state goods and services contracts to be fulfilled through competitive sealed proposals, the veterans' preference would have granted an evaluation factor of 2.5 percent to veterans and veteran businesses. "Veteran" was defined by the bill as a Colorado resident who is a military veteran discharged under honorable conditions, and "veteran business" was defined as a business in which one or more veterans holds at least a 51 percent ownership interest. The bill would have required those seeking to exercise the veterans' preference to be certified as such by the Department of Personnel and Administration, and it contained penalties and sanctions for businesses receiving the veterans' preference that no longer qualified, businesses that failed to notify the department of a change in veteran business status, and persons that act fraudulently in obtaining a veterans' preference.

Under current law, the Division of Employment and Training within the Department of Labor and Employment is required to maintain records regarding applicants and claimants in unemployment insurance claims starting with the application process and continuing for at least five years following the active period of a claim. These records are confidential and accessible only by the claimant and certain public employees as required to administer public benefits. **House Bill 12-1259**, which was postponed indefinitely, would have directed the division to offer an applicant, including a veteran, the opportunity to waive confidentiality for the applicant's name, address, telephone number, and e-mail address, and would have authorized the division to transmit this information to employers seeking employees.

Facilities

Construction of five new readiness centers (armories) around the state was approved in previous legislative sessions to accommodate a new, 800-soldier infantry battalion awarded to Colorado by the federal National Guard Bureau in 2007. Construction on two of the facilities, in Fort Lupton and Grand Junction, is complete, while facilities in North Colorado Springs and

Windsor are under construction. Construction of the center in Alamosa is scheduled to begin in September 2012, and the final phase of funding for the project, representing the final funding for all five centers, was approved in **House Bill 12-1335** (the Long Bill).

House Bill 12-1063 establishes the Homelake Military Veterans Cemetery at the Colorado State Veterans Center in Homelake, consisting of the existing cemetery at the facility and additional adjacent land. The bill requires the Department of Human Services (DHS) to maintain the cemetery, and allows the department to contract with outside entities to develop, operate, and maintain the cemetery. All Colorado residents who served honorably in the military, and spouses and dependent parents of honorably discharged service members, may be buried at the cemetery. Costs for burial are to be covered by the estate of the deceased. The bill requires the DHS to establish procedures for those eligible for burial at the cemetery to reserve plots by paying a deposit in an amount to be established by the department. The bill establishes a fund to pay for the operation and maintenance of, and capital improvements to, the cemetery, consisting of cemetery revenues, plot reservation deposits, and gifts, grants, and donations. The DHS's administrative expenses are capped at five percent of the annual expenditures from the fund, and the department is to operate the cemetery within its existing personnel resources.

Military Families

House Bill 12-1059 authorizes spouses of military service members stationed in Colorado to practice certain professions or occupations in the state for up to one year without obtaining a Colorado license or certification, so long as the spouse is licensed, certified, or registered in good standing for the profession in another state; there is no reason to disqualify the person from practicing the profession under Colorado law; and the person agrees to be governed by Colorado law as a condition of practicing in the state. Real estate agents, engineers, surveyors, architects, physicians, physicians assistants, optometrists, and people licensed to work with fireworks are excluded from the bill. If a military spouse covered by the bill wishes to continue practicing the occupation or profession beyond the one-year limit, he or she must apply for authority to continue to practice with the applicable licensing authority. The bill allows licensing authorities to accept continuing education, training, or service completed during military service as credit toward the educational qualifications required to renew a person's authority to practice.

HB 12-1059 changes the term "emergency medical technician" to "emergency medical service provider," and exempts military members and their spouses who are certified or licensed emergency medical service providers in good standing in other states from certification in Colorado. The bill provides a six-month exemption from licensing fees and continuing education requirements to emergency medical service providers on active military duty for more than 120 days when the fees and education requirements become due.

House Bill 12-1350 allows an institution of higher education to adopt a policy granting resident tuition classification to a dependent of an active duty member of the armed forces if the dependent graduated from a high school outside of Colorado, so long as the dependent completed at least two years at a high school in Colorado within the five years prior to enrolling at the institution. A student who qualifies for resident tuition pursuant to the bill is not considered a resident of Colorado for any other purpose, and thus is not eligible to receive stipends from the College Opportunity Fund.

Miscellaneous

Legislation passed in 2010 allows a military service member or veteran to have an identifier placed on his or her driver's license or state identification card indicating the person's branch of military service. The cost to the individual for identifier placement is \$15. **House Bill 12-1035**, which was postponed indefinitely, would have eliminated the \$15 fee for placing the identifier on a driver's license, but not on a state identification card.

House Bill 12-1128, which was postponed indefinitely, would have added "unconventional attire" to the list of prohibited forms of discrimination in public accommodations. The bill defined "unconventional attire" as dress indicating participation in motorcycling, membership in a motorcycling organization, or status as a veteran. Discrimination in public accommodations remains prohibited on the basis of disability, race, color, creed, sex, sexual orientation, marital status, national origin, and ancestry.

According to the legislative declaration for **Senate Bill 12-141**, to qualify for certain publicly funded home mortgage loans, borrowers must certify that they will occupy the residence in a reasonable period of time, generally construed to be within 60 days after closing. This may result in military service members who are deployed away from their active or reserve duty stations for longer than 60 days losing eligibility for home mortgage loans. The bill, which was postponed indefinitely, would have prohibited a lender from declaring an otherwise qualified borrower deployed in excess of 60 days who declares an intention to take possession of a subject property as soon as possible after the deployment as ineligible for a home mortgage loan based solely on the deployment status.

Senate Concurrent Resolution 12-002, which was postponed indefinitely, would have referred a constitutional amendment to the statewide ballot for the 2012 election that, if approved by the voters, would have authorized state-supervised lottery games for military veteran assistance. The lottery would have been in addition to existing state lotteries. The veterans assistance lottery would have been operated and marketed by the Department of Revenue's State Lottery Division. Net proceeds from this lottery would have been deposited into a fund from which the Department of Military and Veterans Affairs would make grants to nonprofit veterans organizations and state and local government agencies to address a broad range of veterans' needs in Colorado.

Resolutions

The General Assembly adopted six resolutions during the 2012 legislative session honoring veterans and members of the armed services. The General Assembly's annual Military Day resolution, **House Joint Resolution 12-1005**, acknowledges and thanks the state's veterans, current military service members, and their families. The resolution also encourages the celebration of Military, Veterans, and MIA/POW Appreciation Day, and remembers those prisoners of war and those missing in action from previous conflicts.

House Joint Resolution 12-1003 designates the portion of Interstate 70 running through Colorado as the "Tuskegee Airmen Memorial Trail," and allows the Department of Transportation to accept gifts, grants, donations, and federal funds for initial signage placement marking the trail. The Tuskegee Airmen were the first all African-American air combat unit, which engaged in aerial combat during World War II.

House Joint Resolution 12-1008 recognizes those who have served in Iraq and Afghanistan and honors fallen soldiers from Colorado, memorializing those who made the ultimate sacrifice in Iraq in Operation New Dawn and in Afghanistan in Operation Enduring Freedom since January of 2011. The resolution remembers seven soldiers who were based at Fort Carson, two soldiers who were based at Buckley Air Force Base, and ten soldiers who called Colorado home but were stationed elsewhere. **House Joint Resolution 12-1007** encourages continued donations to the Fallen Heroes Memorial Fund, which will be used as a source of funding to construct a memorial honoring those Coloradans who have died in specified 20th and 21st century conflicts. A commission was established in 2007 by the General Assembly to erect such memorials.

The General Assembly recognized the crew of the U.S.S. Pueblo in **House Joint Resolution 12-1006** and designated January 23 of each year as U.S.S. Pueblo Day. The resolution also called for the return of the ship to the United States.

Senate Joint Resolution 12-040 honors the Colorado Bar Association and the Veteran Trauma Court for their work in providing assistance to military veterans. The Colorado Bar Association has been providing pro bono legal services to veterans and their families since November 2011, and the Veteran Trauma Court has provided jail diversion services to veterans with trauma spectrum disorders since 2009.