

MILITARY ISSUES

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During the 2009 legislative session, the General Assembly considered numerous issues regarding military service members and their families, as well as Colorado veterans. A summary of the legislation considered by the General Assembly pertaining to military issues follows, grouped by subject.

Benefits, Entitlements, and Services

Education. Beginning with the 2009-10 academic year, **House Bill 09-1039** requires higher education institutions to adopt a policy granting honorably discharged military members in-state tuition status, and allows such institutions to grant in-state tuition status for dependents of an honorably discharged military service member when the military member moves to Colorado. Those granted in-state tuition status under the act must maintain residency in Colorado and become eligible to receive a stipend from the College Opportunity Fund starting with the 2011-12 academic year. Under current law, enlisted members of the military who are stationed in Colorado may receive the resident tuition rate for themselves or their dependents, while all others, including honorably discharged veterans, who move to Colorado must wait 12 months before becoming eligible for in-state tuition status.

Under HB 09-1039, members of the military and their spouses and dependents do not lose in-state tuition status if the military member retires or separates from the military and remains in Colorado. In addition, in instances where a dependent of an active-duty military member receives in-state tuition status based on the fact that the military member was on active duty in Colorado during the dependent's last year of high school, the dependent maintains in-state status under the bill if the military service member transfers out of Colorado or retires or separates from the military and remains in Colorado.

House Bill 09-1280 authorizes the Department of Military and Veterans Affairs to operate a Youth Challenge Corps Program with the purpose of providing at-risk youth help in obtaining high school diplomas or GEDs, increasing employment potential, and enhancing education and life skills. The National Guard Youth Challenge Corps is a federal program that appropriates moneys and authorizes the use of National Guard or other facilities and equipment to these ends. The act requires the program to comply with criteria and conditions established between Colorado and the federal government. To be eligible, a youth must be:

- 16 to 18 years of age;
- a high-school dropout, suspended or expelled from school, habitually truant, or otherwise disruptive in school;
- economically and educationally disadvantaged;
- unemployed;
- drug-free;
- free of felony convictions or capital offenses, not under indictment or charged with a crime, and not on parole or probation for crimes other than juvenile status offenses; and
- capable of participating in the program.

The act sets out the term of the program's residential and post-residential phases, and establishes a collaborative partnership between representatives from specified state and local agencies and stakeholders. Under the act, the program is funded by gifts, grants, and donations, and the adjutant general must apply for federal moneys to fund the program. The Department of Military and Veterans Affairs is only obligated to implement the program if adequate moneys are available.

Beginning in FY 2009-10, **House Bill 09-1290** increases from \$650,000 to \$800,000 the maximum amount the Colorado Commission on Higher Education (CCHE) may allocate to the Department of Military and Veterans Affairs to provide tuition assistance to members of the National Guard. The funding comes from CCHE's financial aid appropriation.

Through the Teach Colorado Grant Initiative, the Department of Higher Education makes grants to state higher education institutions that create scholarship programs to benefit students in teacher preparation programs. **Senate Bill 09-062** expands the criteria to be given special consideration by the department in making its grants under the initiative to include scholarships designed to assist honorably discharged veterans of the armed forces in entering the teaching profession.

Unemployment insurance. **House Bill 09-1054** extends full unemployment insurance benefits to the surviving spouse of an active duty member of the armed forces who was stationed in Colorado and was killed in combat. Under the act, the surviving spouse is eligible for the benefits if he or she:

- relocates to a new residence, either within or outside of Colorado, because of the death, and it is impractical for the surviving spouse to commute to work; and
- is available for suitable work.

Benefits awarded under House Bill 09-1054 are charged to the Unemployment Compensation Fund rather than the employer. The act requires the director of the Division of Employment and Training within the Department of Labor and Employment to promulgate rules allowing for waiver of the requirement that surviving spouses actively seek work. The act also contains a requirement that the division maintain records and report to the General Assembly on the number of individuals who take advantage of the provisions of House Bill 09-1054. The provisions of the act are repealed, effective July 1, 2019.

Property tax exemption. In the 2000 general election, voters authorized a homestead exemption from property taxes for 50 percent of the first \$200,000 of actual property value for homeowners 65 years of age and older who have lived in the home for the previous ten years. In 2006, voters extended this exemption to veterans who have received a 100 percent permanent and total disability rating from the federal government. **Senate Bill 09-276** eliminates the senior citizen homestead property tax exemption for the 2009 property tax year, but *leaves the homestead property tax exemption intact for disabled veterans.*

Veterans Trust Fund. The Colorado State Veterans Trust Fund receives an annual payment of up to \$1 million from the Tobacco Master Settlement Agreement for use in assisting eligible veterans. State law requires moneys in the fund to be used by the Division of Veterans Affairs for the following purposes:

- capital improvement projects at state veterans nursing homes;
- costs incurred by the Legislative Oversight Committee and the Veterans Nursing Home Commission in evaluating the quality of care at state veterans nursing homes;
- veterans cemetery costs;
- costs incurred by the division, up to 5 percent of annual appropriations; and
- grants to nonprofit veterans programs.

Beginning with FY 2008-09, **House Bill 09-1329** increases the percentage of the tobacco settlement transfer that can be used to finance the fund's activities, specifying that 10 percent of the transfer is to be retained as principal in the fund, and 90 percent, plus all interest accrued, is to be available for appropriation. Had the act not passed, 45 percent of the transfer would have been retained as principal in the fund for FY 2008-09, and 55 percent would have been available for appropriation.

Other Military Issues

The General Assembly considered a number of additional measures regarding military and veterans issues during the 2009 legislative session, including access to support services and access to an overseas Internet-based voting pilot program. The legislature also addressed issues pertaining to the National Guard and disposition of remains.

Elections. **House Bill 09-1205** requires the secretary of state, in coordination with county clerk and recorders, to develop an Internet-based voting pilot program to facilitate voting by military personnel serving outside the United States, starting with the 2012 general election. The act requires the secretary of state to select one or more political subdivisions to participate in the pilot program. Under the act, the system used to implement the pilot program must:

- transmit encrypted information over a secure network;
- securely identify and authenticate information transmitted on the system, as well as local election officials and electronic equipment used by the secretary of state and local officials in the conduct of elections via the Internet;
- protect the privacy, anonymity, and integrity of each voter's ballot;
- prevent a voter from casting multiple ballots over the Internet in an election;
- protect against abuse, including tampering, fraudulent use, and illegal manipulation by electors, election officials, or other individuals or groups; and
- provide uninterrupted Internet availability for the purpose of casting votes on-line by voters.

HB 09-1205 requires local election officials participating in the pilot program to:

- assure that each voter participating in the pilot program is eligible and registered to vote;
- verify the identity of participating voters logging in to vote;
- verify the privacy and security of votes transmitted over the Internet, and verify that the votes have not been viewed or altered during transmission;

- verify the timeliness of the votes cast over the Internet; and
- verify that all votes cast through the pilot program were counted and correctly attributed to the voter who cast the vote.

To fund the pilot program, the act creates the Internet-based Voting Pilot Program Fund, consisting of public and private gifts, grants, and donations. The act allows the Department of State to implement the pilot program voting system only if sufficient moneys are obtained to cover the costs of implementation.

Additional provisions in the act allow overseas military personnel to:

- register to vote by emergency registration after discharge from active duty and within 29 days prior to an election if the voter: is a resident of Colorado; moved to a new county after close of the registration books; and will not cast a vote in another county or state;
- receive a mail-in ballot electronically if the voter timely filed a mail-in ballot application or has been placed on the permanent mail-in voter list, and requested receipt of the ballot electronically; and
- have mail-in ballots counted if cast and received by local election officials within deadlines established by HB 09-1205.

Veterans resources. **House Bill 09-1291** creates, within the Division of Veterans Affairs in the Department of Military and Veterans Affairs, the Veterans Resource Information Clearinghouse to provide information concerning support, services, and other assistance available to veterans and their families from state and local government agencies, veterans organizations, and nonprofit organizations. The act requires the division to identify the entities to be included in the clearinghouse, and requires the department to ensure the nonprofit organizations included are legitimate and legally operated. The clearinghouse must be operated using existing resources along with gifts, grants, and donations.

National Guard. **House Bill 09-1325** allows the Governor to activate the National Guard for service in a national special security event or in situations involving imminent danger of emergency or disaster, adding these to the list of reasons for and circumstances under which the governor may employ the guard.

Abandoned veterans remains. In circumstances where no person with the right of final disposition of human remains has provided for final disposition of the remains for at least 180 days after death, **House Bill 09-1058** grants members of the armed forces, veterans, and organizations supporting members of the armed forces or veterans the right to access the remains and associated records for identification purposes. If the remains are those of a veteran, the act requires the possessor of the remains to make arrangements for a transfer of the remains to the nearest U.S. Military cemetery.

Senate Joint Memorial 09-010, which was lost in the House, would have urged the Governor and President of the United States to consider community impacts before deploying National Guard members. The memorial also called on Congress to provide adequate funding to communities that lose public safety personnel to National Guard deployments.

Resolutions. The General Assembly adopted several resolutions during the 2009 legislative session that pertained to veterans affairs and the armed forces. **House Joint Resolution 09-1012** urges the U.S. Department of Veterans Affairs to construct a stand-alone veterans hospital on the Fitzsimons medical campus featuring certain care amenities, and expresses frustration with delays in constructing the facility. The department issued a statement in March 2009 indicating its intent to begin construction on the facility at Fitzsimons in Spring 2009. **House Joint Resolution 09-1023** encourages Congress to provide funding for the ongoing development, operation, and sustainment of the Ground-based Midcourse Defense System, which defends against ballistic missile threats and is manned by Colorado National Guard troops.

House Joint Resolution 09-1007 encouraged celebration of Colorado's Military, Veterans, and MIA/POW Appreciation Day on January 30, 2009, and expresses gratitude to military servicemembers, prisoners of war, and those missing in action. **House Joint Resolution 09-1008** pays tribute to those service members lost in Operation Iraqi Freedom and Operation Enduring Freedom.