



Stateline

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Port of Entry Officers Honored

BY OFFICER THOMAS SHONK

DEPARTMENT OF REVENUE, PORT OF ENTRY

On November 17, 2005, fellow Port of Entry Officer Roger Pennington, Supervisor Oliver Foster and I were recognized by the Colorado Cattlemen's Association and the Colorado Brand Commission as the "Livestock Officers of the Year."

It all began in 1988 when 264 head of cattle went missing from the Archuleta, La Plata, and Montezuma County area. Prices being what they were in 1988, this amounted to 1.7 million dollars of losses to our local ranchers. Our Mobile Port of Entry team was approached by Local Brand Inspector, Larry Rogers and asked if we



Pictured from left to right: Officer Roger Pennington, Officer Oliver Foster and Officer Thomas Shonk (Photo by Dawn Eddy, Ag Journal)

could assist him in stopping and checking livestock haulers in our area while we were set up at our Mobile Port locations.

We agreed and after training sessions, we started an aggressive program of stopping anyone transporting livestock through the Mobile Port locations and checking for proper brand inspection papers. We were instrumental in the recovery of several head of cattle that were being transported illegally and also recovered a couple of stolen horses. The following

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THE REST OF THE STORY

BY JEFF WELLS

EXECUTIVE DIRECTOR, DPA

"All I know is just what I read in the papers, and that's an alibi for my ignorance." — Will Rogers

Many of you have probably seen or heard reports about the action earlier this month by the Legislative Legal Services Committee to recommend that the General Assembly disapprove a handful of recently adopted personnel rules.

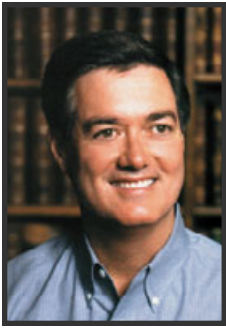
Last year, the State Personnel Board and DPA joined together to completely reorganize and update all of our civil service rules. Out of over 100 new or revised rule sections and subsections, the Committee determined that six provisions – one adopted by the Personnel Board and five adopted by DPA – conflicted with existing law.

However, if you were to judge by a recent *Denver Post* editorial, you might think that the Committee wiped out virtually all of the new personnel rules, and did so because those rules were a sneaky, underhanded attempt to both subvert employees' constitutional rights and defy the will of the voters who defeated Referendum A in 2004. However, as usual, there is ... the rest of the story.

The editorial stated:

"State Personnel Director Jeff Wells, with Gov. Bill Owens' blessing, secretly implemented the changes anyway, thumbing his nose at the voters and the state constitution."

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A CHALLENGING AGENDA FOR THE STATE AND ITS EMPLOYEES

BY GOVERNOR BILL OWENS

On January 12, 2006, Governor Owens delivered his eighth and final State of the State address. Here are excerpts regarding the state budget and employee retirements.

Of all the issues discussed here at the Capitol, there is little that is more important—and, on occasion—more contentious, than the state budget. However, one thing is clear. Without Referendum C, I would have been outlining proposals for more than \$500 million in cuts next year. Fortunately for the citizens of Colorado, that’s not the case. The voters gave us the revenue we need so that Colorado can recover from recession. It’s now our duty to use these funds wisely.

While Referendum C allows us to restore cuts to programs and services, we can’t forget what we’ve learned since the recession. Those difficult budget years forced state government to get leaner and smarter. Referendum C isn’t an excuse to reverse any of that progress. It’s an opportunity to make prudent investments in priorities—not to rebuild government bureaucracy.

Years of recession drained the state budget, and it’ll take a lot longer than a year to fill it. I believe the voters understand this. And I believe they understand what the funds can be used for. Let me remind you of the clear language contained in the title of Referendum C: “Without raising taxes, in order to pay for education, health care, roads,

bridges and other strategic transportation projects...” Clearly two of the areas that suffered the most during the recession were higher education and transportation. Both are vital to the future of our state.

My budget plan allows higher education to make a faster, fuller recovery than any other major area of state government. We’ll restore 40 percent of the cuts to higher education from the General Fund in just two years. My recommendation is to raise the per-student stipend to \$2,580, increase financial aid by 6 percent, with a total higher education appropriation of \$658 million. This would be the largest total budget for higher education in our state’s history. Together, we need to work to keep college affordable for Colorado’s families. That’s

why I strongly believe that we should limit tuition increases to no more than 2.5 percent.

The Department of Transportation also suffered massive cuts in recent years. In fact, its budget was reduced by almost 40 percent. Which is why I’ve proposed an additional \$80 million from the General Fund for transportation. We

should allocate this funding immediately so that we can jump-start transportation. Let’s get this new revenue into the budget pipeline for CDOT right away, so we can begin funding badly needed projects statewide.

We’re continuing our commitment to K-12 education. We estimate that General Fund appropriations to K-12 will increase by \$126 million next year. This results in a \$2.8 billion appropriation for education—more than 43 percent of the General Fund.

We also must meet our Medicaid mandate, which now comprises 22 percent of the General Fund. To meet federal requirements, the total General Fund appropriation to Medicaid will be over \$1.4 billion.

Skyrocketing Medicaid costs have challenged us to find ways to make the system work better, and we have a chance to do exactly that this year with



Governor Owens’ State of the State Address

Colorado Family Care. Currently, children are bounced back and forth between CHIP and Medicaid, often disrupting their care. It's a process that's confusing and frustrating for families, and it's difficult on our doctors and nurses. We need to give these children a medical home. Let's create Colorado Family Care this year. I hope you'll join me in supporting common-sense legislation that combines two separate programs into one streamlined system, making it more cost-effective for the taxpayer while providing better care for our children.

My budget proposes an 8 percent increase to the Department of Public Health and Environment, which will provide additional funding for the Tony Grampas Youth Services Program, among many others. While 8 percent may seem like a large increase, for perspective this department's General Fund budget was cut by over 50 percent in the last four years. ...

I look forward to working with you on these critical budget items. And I have a message today for my many friends who could not support Referendum C: I want to benefit from your views as we shape this budget. I know that the budget will be stronger and better for Colorado with your participation.

One of the biggest challenges facing us this session is reforming the Colorado Public Employees' Retirement Association—or PERA. With current unfunded liabilities of more than \$11 billion, PERA will simply not be able to fulfill its future obligations unless we make changes now. We must tackle this problem this year. I appreciate Treasurer Hillman's strong leadership on this issue, and I look forward to finding a solution that's fair—both to state employees as well as to Colorado taxpayers. Almost everyone agrees that reform is necessary, and most largely agree on what those reforms should look like.

First, we do need to restructure PERA's board, which the Rocky Mountain News described as "unwieldy," with no representation from the "tax paying public." The Pueblo Chieftain also has called for a reorganized board "with independent trustees who have no skin in the game." Clearly, the new board should include members who are not part of the pension plan, and who have some investment experience. I support an 11-member board comprised of five people elected by PERA members

and four appointed by the Governor and confirmed by the Senate, with the State Auditor and Treasurer completing the board.

Second, we need to modernize our pension system to reduce current and future unfunded liabilities. This will require a separate tier for newly-hired employees that is stable, sustainable, and less expensive to the taxpayer. This reform will significantly reduce the future burden on government while at the same time attracting quality workers to state government.

We also need to take the politically tough step of examining benefit levels for our current employees. We can help make the system more sustainable by changing the age at which retirees receive full benefits and—if necessary—reducing benefits in the "out" years for those furthest from retirement. These changes should not affect those closest to retirement, but could be phased in for those who have years to go. And I believe that before any change in benefits can occur, the Legislature should be required to obtain an independent actuarial review to determine the impact of the change.

Finally, we should expand the defined contribution plan to give workers more freedom over their money and reduce future unfunded liabilities.



The State Capitol grounds are home to this memorial to the USS Colorado. The bench honors those that served on the last U.S. naval ship to honor our State. Find out more on "My Back Pages."

In this case, “secret” seems to mean that the newspaper missed it. The Personnel Board and the Department followed the State Administrative Procedures Act, filing the proposed rules with the Secretary of State, who issued public notice of the rules hearing. The newspaper forgot to mention that all of the new rules were posted on the state web pages for over five weeks before the public hearing. The newspaper forgot to mention that over 100 people attended that public hearing — which was conducted jointly with the Personnel Board — that about 20 people testified at the hearing, and that written comments were received from another dozen or so individuals. When the rules were finally adopted, they were again filed with the Secretary of State and posted on the Internet.

The editorial stated:

“... the new rules conflicted with state law and that Wells exceeded his authority by implementing them July 1.”

The newspaper forgot to mention that it was not “the new rules” that the Committee’s attorneys thought were beyond the Department’s authority, but only five out of over 100 sections and subsections. It is also true (but not reported) that the Attorney General – who is required by law to review every agency rule and to file an official legal opinion with the Secretary of State – concluded that those same rules, including the five in question, were completely within the Department’s authority.

As a state senator, I served for 16 years on the Legal Services Committee, and in fact I helped design most of the legislative review process that exists today. I respect the Committee and its staff’s decisions on these five rules and have already vacated them, even though by law I could have implemented them until May 15th.

So, what were these controversial rules?

The editorial stated:

“[one] of the most controversial rules allow[s] the state to hire temporary workers indefinitely;...”

This statement may cause someone to think that we were proposing a return to the unfortunate practice (over 35 years ago) where an appointing authority could avoid filling a permanent position through an open-ended “temporary” appointment or a succession of appointments. This, however, is simply not the case. Our rule did not say an appointing authority could keep a position as a temporary indefinitely. Our rule was an employee-friendly measure which simply said one person could work six months in one department and then another six months in a different department in a different job. Thus, if a person wanted to work as a temporary for the Division of Wildlife in the summer, they could still work for any other agency in the winter. No current rule, statute, or constitutional provision specifically addresses this question and we were trying to give some latitude and guidance to our employees and managers.

Chapter Ten of the new rules dealt with the restrictions and uses of personal service contracts. Rule 10-5 was intended to strengthen employee protection and prevent abuses in personal services contracts. In particular, this rule provided that any employee in the agency, whether affected by the contract or not, had the right to challenge the contract — first to the agency’s Executive Director and then to DPA — before it was implemented. Unfortunately, these review protections were one of the five sections of the rules not extended by the Committee.

The editorial was not satisfied with criticizing the rules but, even complained that

“Wells did not show up for Monday’s hearing before the Legal Services Committee”

Of course, they never asked why I wasn’t at the committee hearings. It takes a lot of work and preparation to get ready for a two or three hour committee hearing, and DPA’s full budget hearing before the Joint Budget Committee was held that day as well.

In order to make sure we were well-prepared and responsive to both hearings, I asked my deputy, Paul Farley, to take the lead at the Legal Services Committee. Paul is a former Deputy Attorney General, director of the Civil Service Reform Commission, and an expert in this field of law. I

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chose to prepare for and attend the JBC hearing because our entire total compensation package for fiscal year 06-07 was being discussed. On behalf of our state workforce I proposed a \$14.5 million increase in the State's contribution toward employee health insurance. This will bring us from 66% to 75% of the prevailing market practice, or on average increase the State's monthly contribution per person from \$285.20 to \$354.71.

I also argued for a \$41.5 million increase in salary, range adjustments and performance pay, or an approximately 3.64% average pay increase.

While I recognize that not all of you will agree with everything we do here at DPA, I can assure you of a couple of things:

- First, I am proud to be working with an extraordinarily capable and dedicated workforce and I see it as a major part of my job to do everything I can to support that workforce;
- Secondly, we never have, and never will "secretly implement illegal rules."

I know that change is sometimes difficult, and to some it may appear that we are amending our personnel rules too often. But rest assured that we make these changes because the staff of DPA, starting with myself, are dedicated to ensuring that your compensation, insurance, and work experience are the best possible and that you know your service to the State of Colorado is appreciated.

To quote Will Rogers once again, "*Even if you're on the right track, you'll get run over if you just sit there.*"



STAR CELEBRATION SCHEDULED

The 2006 State Top Achievement Recognition (STAR) Celebration is scheduled for Thursday, May 11.

This year's nomination packets will be available on February 1 and due on Wednesday, March 15. Watch for more details in future issues.

LEARN ABOUT YOUR HEALTH NEEDS AND MAKE \$10

The Department of Personnel & Administration will be providing an incentive to each of its 36,000 insured employees to take a health risk assessment (HRA). The intent is to mitigate avoidable health issues as a means to address escalating insurance costs. Most individuals could lead a healthier lifestyle if they were given some realistic information about their own personal health needs.

Beginning in February, state employees who currently have health insurance through the State will be offered a \$10 incentive to take a 20-minute assessment and get personalized specifics on issues that are impacting their health. The HRA is a private questionnaire that will assess an individual's risk factors through questions that cover areas such as diet, exercise and life stressors. It helps individuals identify areas for lifestyle changes, or, if needed, get started with the right treatment for particular conditions.

While the incentive will initially cost money, DPA believes the dollars saved in preventative care will more than make up for the cost. HRAs give the participants the opportunity to address health concerns before they become *health problems*. Saving both money, and even more importantly an HRA may save a life.

This incentive is *only* available for those state employees enrolled in one of the State's Health Insurance plans. For more information on the State HRA and how to participate go to the State's benefit Web site, www.colorado.gov/dpa/dhr/benefits, and click on "Health Risk Assessment" under "Hot Topics."

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year no losses were reported in that area and that trend continues today.

Nominated for this award by the La Plata/Archuleta County Cattlemen's and Cowbelle's Association, this is the first time that this distinguished award has been given to any Port of Entry Officer or team.

We continue to work with the local stockgrowers in our area, checking brand inspections and the livestock being transported. We are well rewarded with multiple thank you's from the local ranchers for protecting their livestock and their livelihood. It is a pleasure to be part of something that does so much for so many people, and to know that they truly appreciate what we are doing.

A WHIRLWIND TOUR THROUGH TIME AND SPACE WITH THE COLORADO LOTTERY

Using a time machine to travel back to January 24, 1983, you could join celebrations in Pueblo, Denver, Fort Collins and Grand Junction for the newly launched Colorado Lottery. What you wouldn't see are the 361 jackpot winners the Lottery has had since then. You wouldn't read about the \$3.5 billion that the Lottery has returned in the way of prizes, nor hear about the two families who were stunned to learn they had won a million each in the Colorado Powerball game this past fall. More importantly, you also wouldn't see the thousands of parks and recreation projects completed with Lottery proceeds in the past 23 years. Today, the total returned to the state in proceeds has topped \$1.6 billion.

"The dollar figures are impressive," says Lottery Director Peggy Gordon, "but they don't tell the whole story." According to Gordon, it's a story of partnership between the Lottery and its proceeds recipients, and the changes they've created in virtually every community in the state.



Foster's Place--a playground dedicated to the memory of one of the community's youngest residents--was built using a grant of Lottery money--\$68,625 through Great Outdoors Colorado.

In Colorado Springs, Lottery proceeds are at work, helping to create the first state park in the city. The forth-coming Cheyenne Mountain State Park is less than a half-hour drive from most of the city's 360,000 residents. State Parks receives 10 percent of all proceeds generated by the Lottery, plus additional Lottery funds through Great Outdoors Colorado (GOCO). Of the \$43.6 million cost for the 1,680-acre park, more than half (\$24.6 million) is attributable to the Colorado Lottery.

Lottery proceeds, through GOCO, fund a variety of parks, recreation, open space and wildlife projects. One example is the reintroduction of the lynx to Colorado.

Up to 50 percent of Lottery proceeds go to GOCO. Of those dollars, roughly 25 percent go to fund projects and land purchases for the Colorado Division of Wildlife.



Meanwhile, 40 percent of all Lottery revenue goes

Paint Mines Interpretive Park near Calhan is a site of historic and archeological significance. El Paso County matched a GOCO grant of \$164,000 with \$786,000 in Conservation Trust Funds to create an amenity that is funded more than 86 percent by Lottery proceeds.

to local parks and recreation agencies through the Conservation Trust Fund or CTF. Those dollars are distributed quarterly by the Department of Local Affairs. One example is the creation of the Aurora Wheel Park.

The park caters to inline skaters, cyclists and skateboarders. Amenities include a one-acre BMX dirt track for practice and racing, a skateboard park with a "street course" and three inline hockey rinks. There is also a track for remote-control vehicles. At the hub of the park is a pavilion area. Lottery proceeds (\$2,366,423 in CTF monies) provided 92 percent of the total dollar cost of the project.

"There are literally thousands of great Lottery stories out there," says Gordon. "It's exciting to be part of that. The great thing is, for the price of a Lottery ticket, anyone in Colorado can be part of the story." Gordon reminds state employees that when they play any Lottery game—Powerball, Lotto, Cash 5 or Scratch—they become part of the legacy.

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2006 SANDWICHING IN HISTORY LECTURE SERIES

The Colorado Historical Society's upcoming Sandwiching in History series provides a varied menu of tantalizing history programs which will please the palate of the most discriminating history buff.

Emily Griffith's formal education ended with eighth grade, yet she became a world-famous educational pioneer, founding Denver's world-renowned Opportunity School. She never married yet adopted and nurtured thousands. Her life ended tragically and mysteriously in a mountain cabin. And now her inspirational life comes to the stage on **Thursday February 9** with author and historian Debra Faulkner's dramatic first-person portrayal.

Stroll down memory lane to the nostalgic beat of a multimedia presentation featuring a fabulous collection of the music, photos, and words of musician and bandleader Glenn Miller. Miller was one of the best known and widely acclaimed leaders of the Big Band Era, and his contributions to American music are legendary. On **Thursday March 9** join acknowledged expert Alan Cass, Curator of the Glenn Miller Archive at the University of Colorado.

In the 1860s, Boggsville, Colorado was a small settlement on the Mountain Branch of the Santa Fe

Trail. It was home to a diverse and sometimes famous group of residents, including the fascinating Amache Ochinee Prowers, daughter of a Cheyenne sub-chief and wife of trader and cattleman John Prowers. Written history has often portrayed Amache as an assimilated Victorian woman, but through archaeobiography – a combination of archaeological and biographical research – a new story of Amache's life will be told on **Tuesday April 11** by archaeologist Bonnie Clark.



Amache Ochinee Prowers. Photo courtesy of the Colorado Historical Society.

All programs will be held at the Colorado History Museum at 1300 Broadway in Denver from 12:15 to 1:00 p.m., with optional boxed lunches available at noon. Delicious catered lunches include a choice of roasted vegetable, roast beef, or turkey sandwiches, pasta salad, chips, cookie and beverage. **Special Discount for State Employees!** Single tickets for the presentation only are \$4, or \$18 for the 5-part series. Boxed lunch and presentation tickets are \$10 each or \$48 for the series. **Lunch reservations must be received no later than four working days before the event.** To register or receive further information, please call **303-866-4686**.

PUT THE WORRY OF TAX SEASON BEHIND YOU - FILE YOUR TAXES ELECTRONICALLY

This tax season, the Department of Revenue wants to encourage you to take advantage of e-file (electronic filing) options to make your filing process easy and fast. Each year, thousands of state tax returns contain errors or missing documentation which may delay a refund. These efficient, reliable and simple income tax filing programs not only save filers time but help speed the process of getting income tax refunds.

The Colorado Department of Revenue offers two **FREE** convenient, and secure electronic filing services which are available 24-hours a day, every day throughout the income tax season. We also encourage taxpayers to complete a Colorado 104 Individual Income Tax form prior to using either of these systems.

NetFile is a Web-based system that is quick and easy to use. Once you have completed your federal income tax return you can log into www.netfile.state.co.us to file your state return. The NetFile system guides users through the form line-by-line and corrects math errors as you go along.

TeleFile is an interactive telephone-based computer program that allows eligible individuals to electronically file their tax return using a touch-tone phone. TeleFile users must be full-year Colorado residents, and must have their most current home address on file with the Department of Revenue. TeleFile also checks for math errors as you work through the form.

Finally the Department of Revenue offers one more method to receive your refund check faster and safer. **Direct Deposit** is a fast and secure alternative to receiving a refund check. The money is transmitted electronically directly into the taxpayer's bank account – no worries about a check lost in the mail or having to make a special trip to the bank. To receive your refund by Direct Deposit simply fill in your routing number and account number of your financial institution in the box below line 46 of the return.



MY BACK PAGES: Ship of State

BY PAUL FARLEY

I enjoy old movies, so I always check the TCM listings to see what classic (and not-so-classic) films are scheduled each week. But I got an unexpected treat recently when I saw they were running the 1931 MGM picture, “Shipmates,” featuring Robert Montgomery (father of Elizabeth Montgomery, who starred in the TV series *Bewitched*), opposite Dorothy Jordan. Now, the movie itself is nothing too spectacular; the plot has been summarized as: “While masquerading as a wealthy oilman, a young sailor on shore leave falls in love with a beautiful young woman who turns out to be the daughter of an admiral.” (Well, this *was* the 1930’s, after all.) The reason that I made sure to watch it is that the film takes place on the last U.S. Navy ship named in honor of our State – the only Pacific Fleet battleship to escape the Japanese attack on Pearl Harbor. It’s actually a little embarrassing that I know stuff like this, but if I ever get on *Jeopardy* I’m gonna be a millionaire.

The *USS Colorado* (BB-45) was launched on March 22, 1921, at Camden, New Jersey. Ruth Nicholson Melville of Denver christened the battleship with a bottle of sparkling ginger ale (remember, this was during Prohibition) made from Manitou Springs spring water (and if you’re wondering how she was chosen for this honor, it might help to know that she was the daughter of Colorado’s then-U.S. Senator Samuel Danford Nicholson). The ship was 624 feet long, weighed 32,600 tons, and carried nearly two thousand men.



It is often the case that new military hardware is designed to win the *last* war, rather than the next, and the warships of the 1920’s and 1930’s were no exception. Naval battles in World War I frequently involved large armored surface vessels pounding away at each other with powerful cannons. When it was commissioned, the *Colorado*’s armor was the thickest in the world (18 inches), and its primary armament of four giant pairs of 16-inch, 105-ton guns, accurate to a distance of 19 miles, was unsurpassed. The ship also carried twelve 5-inch rapid-fire guns, while on the superstructure were mounted eight 3-inch anti-aircraft guns.

Over the next decade, the *Colorado* conducted patrols and training cruises in both the Atlantic and the Pacific. In July 1937 the *Colorado* led the search for Amelia Earhart in the South Pacific, launching sea planes and coordinating the efforts of the task force.

On December 7, 1941, the *Colorado* was at the Bremerton, Washington Navy Yard for maintenance. After receiving news of the bombing of Pearl Harbor, the *Colorado* quickly put out to sea and remained on the West Coast through the summer of 1942 amidst concerns about a possible Japanese attack on the mainland. Thus, for a time, the

Colorado was the only battleship in service in the Pacific.



The attack on Pearl Harbor changed naval warfare forever, making gun battles between surface vessels obsolete in the face of air power. The *Colorado*’s new role became to bombard and destroy shore installations in support of amphibious assaults and ground forces. The *Colorado* shelled defenses first on the remote coral atoll of Tarawa in November 1943, then in the Marshall Islands at Kwajalein and Eniwetok in early 1944. That summer, the battleship pummeled installations on Saipan, Guam, and Tinian in support of American invasion forces. At Tinian, shore batteries hit the *Colorado* with almost two dozen shells, causing 240 casualties. Nonetheless, the ship continued to fire on the defenses until ground troops were able to take the island.

In November 1944, the *Colorado* was in Leyte Gulf supporting the invasion of the Philippines, when it was struck by one of the many *kamikaze* aircraft that filled the skies, suffering almost 100 casualties. Repair crews managed to keep the ship in the battle, and in early December it shelled the islands of Mindoro and Luzon. And in March and April 1945, the *Colorado* fired two million pounds of high explosives during the battle for Okinawa. Following the atomic bombing of Hiroshima and Nagasaki, the *Colorado* sailed to Tokyo Bay for the signing of the Japanese surrender. The battleship spent the rest of 1945 making runs to Pearl Harbor, transporting thousands of troops home.

The *USS Colorado* participated in ten major actions during the war, cruising over 160,000 miles and firing more than 5,800 tons of shells in support of ground troops before being decommissioned in 1947. In 1959 the *Colorado* was dismantled and sold for scrap in Bremerton, although some traces of the great ship remain: portions of its teakwood decks can be found in walls of buildings around Seattle, including a Boeing cafeteria, a building on the campus of the University of Washington, and the Washington Athletic Club. A five-inch gun is on display at the Museum of History and Industry in Seattle, and the ship’s bell and wheel are at the University of Colorado Heritage Center in Boulder. In 1997 a marble bench was dedicated on the northwest side of the State Capitol in honor of the men who served on Colorado’s naval namesake.

Background information from the “Dictionary of American Naval Fighting Ships,” vol. II, p. 146, published by the Naval Historical Center, Washington, D.C.