

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. R16-0958.01 Joel Moore x4497

SJR16-011

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SENATE JOINT RESOLUTION 16-011

101 **CONCERNING DISCOURAGING THE LEASE OF THE CSP II FACILITY IN**
102 **CANON CITY TO THE FEDERAL GOVERNMENT.**

1 WHEREAS, The United States Congress, by the enactment of laws
2 on five separate occasions since 2010, has expressly prohibited the
3 executive departments of the federal government from spending any
4 funds for the transfer of enemy combatants from the secure facility at the
5 Guantanamo Naval Base to any facility located on the soil of the
6 continental United States; and

7 WHEREAS, In November 2015, Congress again prohibited any
8 current fiscal year federal expenditure for the transfer of Guantanamo
9 prisoners to any facility on United States soil by enactment of the FY
10 2015-2016 National Defense Authorization Act, specifically in Title X,
11 Subsection D, Sections 1031-1034 of that act, by an overwhelming,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 veto-proof vote of 91-3 in the Senate and 370-58 in the House of
2 Representatives, and the legislation was duly signed into law by President
3 Obama on November 25, 2015; and

4 WHEREAS, No court of law has challenged or negated the
5 propriety, validity, or legality of this expressed prohibition enacted by
6 Congress, an action which lies entirely within Congress' sole
7 constitutional power over government expenditures; and

8 WHEREAS, United States courts of law have affirmed that enemy
9 combatants are justifiably and legally confined to military prisons outside
10 the continental United States; and

11 WHEREAS, Americans and Coloradans are overwhelmingly
12 opposed to the transfer of terrorists from Guantanamo to any facility on
13 U.S. soil out of justifiable concern for the safety of themselves and their
14 loved ones; and

15 WHEREAS, The majority of enemy combatants remaining at the
16 Guantanamo facility -- over 50 of the 91 individuals now in custody -- are
17 persons deemed by competent authorities to be so dangerous that they
18 cannot be released to the custody of any other nation; and

19 WHEREAS, The presence of dozens of terrorists imprisoned in
20 facilities in Colorado may endanger the public safety of Colorado
21 residents, public officials, penal institutions, and other persons by
22 exposing them to lethal retaliation by international terrorist groups or by
23 persons already within the United States who are sympathetic to the goals
24 of the terrorists; and

25 WHEREAS, Any financial advantage accruing to the state from
26 the sale or lease of a state property cannot be considered commensurate
27 to the increased danger to public safety created by the transaction; and

28 WHEREAS, The only Colorado Department of Corrections facility
29 now vacant, the CSP II facility in Canon City, Colorado, has other
30 potential uses as identified by the Executive Director of the Department
31 of Corrections and ought not to be prematurely sold or leased to the
32 federal government; and

33 WHEREAS, A large majority of Colorado's nine-member
34 delegation in Congress, including members of both major political

1 parties, voted for the most recent legislation prohibiting the expenditure
2 of funds for the transfer of enemy combatants from the Guantanamo
3 facility to any facility on U.S. soil; and

4 WHEREAS, It is both appropriate and timely for the people of
5 Colorado to express concern and disapproval for acts of the federal
6 government that defy the expressed will of Congress on a matter directly
7 impacting the welfare of Colorado residents; and

8 WHEREAS, While the Governor of the state of Colorado has the
9 authority to sell or lease a state-owned property to the federal government
10 for legitimate federal purposes, it is the sense of the Seventieth General
11 Assembly that out of respect for the United States Constitution's
12 cornerstone principles of federalism and the separation of powers, such
13 executive authority ought not to be used for the sale or lease of state
14 property for purposes explicitly declared illegal by act of Congress; now,
15 therefore,

16 *Be It Resolved by the Senate of the Seventieth General Assembly*
17 *of the State of Colorado, the House of Representatives concurring herein:*

18 That it would be improper and contrary to the public safety and
19 best interests of the people of Colorado for the Governor to consent to
20 any sale or lease of a state-owned property to the United States
21 Department of Defense or any federal agency for a purpose expressly
22 prohibited by federal law.

23 *Be It Further Resolved,* That copies of this Joint Resolution be sent
24 to President Barack Obama; Speaker of the House of Representatives,
25 Paul Ryan; Senate Majority Leader Mitch McConnell; Secretary of
26 Defense Ashton B. Carter; Colorado Governor John Hickenlooper; the
27 Colorado Congressional Delegation; and Executive Director of the
28 Colorado Department of Corrections, Rick Raemisch.