

CHAPTER 181

GOVERNMENT - STATE

SENATE BILL 14-157

BY SENATOR(S) Carroll and Cadman, Todd, Aguilar, Balmer, Baumgardner, Brophy, Crowder, Grantham, Harvey, Herpin, Hodge, Jones, Kerr, King, Lambert, Lundberg, Marble, Newell, Rivera, Roberts, Scheffel, Ulibarri, Zenzinger, Heath, Jahn, Nicholson;
also REPRESENTATIVE(S) Ryden and Nordberg, Buckner, Exum, Gardner, Hamner, Kagan, Kraft-Tharp, Labuda, Lee, Melton, Salazar, Schafer, Scott, Wilson, Young.

AN ACT

CONCERNING THE COMMISSION OF A REPORT BY THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS THAT EXAMINES THE COMPREHENSIVE VALUE OF UNITED STATES MILITARY ACTIVITIES CENTERED IN COLORADO, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 4.5 to title 28 as follows:

ARTICLE 4.5
Report on the Value of
United States Military Activities in the State

28-4.5-101. Report on value of United States military activities in state - fund - legislative declaration - definitions - repeal. (1) (a) ~~THE GENERAL ASSEMBLY~~ HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(I) THE NATION'S DEFENSE SECTOR IS DRAMATICALLY CHANGING AMID NEW GEOPOLITICAL CONDITIONS, THE EMERGENCE OF NEW TECHNOLOGIES, AND BUDGETARY CONSTRAINTS;

(II) THE DEFENSE BUDGET OF THE UNITED STATES GOVERNMENT IS DECLINING AND ALL OF THE BRANCHES OF THE ARMED FORCES ARE UNDERGOING SIGNIFICANT RESTRUCTURING;

(III) THESE RESTRUCTURING DECISIONS MAY RESULT IN THE CLOSING OF CERTAIN

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

BASES OR INSTALLATIONS AND THE RELOCATION OR ELIMINATION OF VARIOUS UNITS AND COMMANDS ACROSS THE NATION;

(IV) THESE CUTS IN THE DEFENSE BUDGET COULD LEAD TO THE CREATION OF A NEW FEDERAL BASE REALIGNMENT AND CLOSURE COMMISSION OR SIMILAR RESTRUCTURING PROCESSES OVER THE NEXT SEVERAL YEARS;

(V) THE ANALYTICAL PROCESS THAT WAS USED BY THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION, REFERRED TO IN THIS SUBSECTION (1) AS "BRAC", IN 2005 REQUIRED RECOMMENDATIONS TO BE BUILT AROUND THREE CONSIDERATIONS: CERTIFIED DATA, A TWENTY-YEAR FORCE STRUCTURE PLAN, AND MILITARY VALUE SELECTION CRITERIA. THE MILITARY VALUE CRITERIA USED IN 2005 WERE CURRENT AND FUTURE MISSION CAPABILITIES; AVAILABILITY AND CONDITION OF LAND, FACILITIES, AND AIRSPACE; THE ABILITY TO ACCOMMODATE CONTINGENCY, MOBILIZATION, SURGE, AND FUTURE TOTAL FORCE REQUIREMENTS; AND THE COST OF OPERATIONS AND MANPOWER IMPLICATIONS. IT IS ANTICIPATED THAT, IN CONNECTION WITH ANY FUTURE BRAC COMMISSION OR SIMILAR RESTRUCTURING PROCESS, THE FIRST FOUR MILITARY VALUE CRITERIA WILL CONTINUE TO RECEIVE THE GREATEST WEIGHT IN THE CONSIDERATION OF RELEVANT CRITERIA.

(VI) MOREOVER, THE UNITED STATES CONGRESS MANDATED THAT FOUR ADDITIONAL CRITERIA BE USED IN THE ANALYTICAL PROCESS: THE COST AND SAVINGS OF THE BRAC COMMISSION RECOMMENDATIONS; THE ECONOMIC IMPACT ON THE AFFECTED COMMUNITIES; THE IMPACT ON COMMUNITIES' INFRASTRUCTURE; AND THE ENVIRONMENTAL IMPACT;

(VII) ANY SUCH RESTRUCTURING PROCESSES WILL MEAN THAT SOME STATES AND LOCAL COMMUNITIES WILL BE FAVORED IN THE COMPETITION TO RETAIN, MAINTAIN, OR EXPAND VARIOUS MILITARY MISSIONS, BASES, INSTALLATIONS, UNITS, OR COMMANDS WITHIN THEIR BORDERS THAN OTHER STATES OR COMMUNITIES;

(VIII) COLORADO HAS A PROUD HISTORY OF SUPPORTING ITS MILITARY INSTALLATIONS, SERVICE MEMBERS, AND THEIR FAMILIES. THE STATE'S MILITARY INSTALLATIONS, INCLUDING FORT CARSON, BUCKLEY, PETERSON, AND SCHRIEVER AIR FORCE BASES, CHEYENNE MOUNTAIN AIR FORCE STATION, GREELEY AIR NATIONAL GUARD STATION, THE UNITED STATES AIR FORCE ACADEMY, THE READINESS CENTERS OF THE COLORADO ARMY NATIONAL GUARD AND THE UNITED STATES ARMY RESERVE, AND THE HIGH-ALTITUDE ARMY NATIONAL GUARD AVIATION TRAINING SITE PLAY A SIGNIFICANT ROLE IN SECURING THE NATION AGAINST THREATS FROM ABROAD AND RESPONDING TO DOMESTIC EMERGENCIES IN ADDITION TO ASSUMING A CRITICAL FUNCTION IN THE COMMUNITIES IN WHICH THEY ARE LOCATED AND IN THE STATE'S ECONOMY OVERALL. THE UNITED STATES NORTHERN COMMAND, HEADQUARTERED AT PETERSON AIR FORCE BASE, IS CHARGED WITH, AMONG OTHER TASKS, PROTECTING THE TERRITORY AND NATIONAL INTERESTS OF THE UNITED STATES WITHIN NORTH AMERICA. IN ADDITION TO THE IMPACTS THESE FACILITIES HAVE ON THE STATE'S ECONOMY, THE DEPARTMENT OF DEFENSE ENTERS INTO NUMEROUS CONTRACTS WITH BUSINESSES AND EDUCATIONAL FACILITIES IN THE STATE FOR THE PROVISION OF RESEARCH, EQUIPMENT, AND OTHER SERVICES. WITH THE STRONG COORDINATION AND SUPPORT PROVIDED BY THE OFFICE, THE STATE IS A MAJOR FOCUS OF ACTIVITY BY DEFENSE CONTRACTORS, MEASURED IN TERMS OF BOTH THE NUMBERS OF SUCH CONTRACTORS AND THE SCOPE

OF THEIR ACTIVITIES, ESPECIALLY WITH RESPECT TO THE AEROSPACE SECTOR.

(IX) MILITARY INSTALLATIONS ALONE ACCOUNT FOR A NEARLY SEVEN BILLION DOLLAR IMPACT ON THE STATE'S ECONOMY AND, IF ONE INCLUDES THE ADDITIONAL IMPACT ON THE STATE'S ECONOMY RESULTING FROM DEFENSE-RELATED EXPENDITURES MORE BROADLY, THE OVERALL IMPACT IS LIKELY SEVERAL BILLION DOLLARS HIGHER;

(X) THE NUMBER AND EXTENT OF FIRST CLASS AND WORLD RENOWNED INSTITUTIONS OF HIGHER EDUCATION IN THE STATE ADD IMMEASURABLE COMPONENTS TO THE VALUE OF UNITED STATES MILITARY ACTIVITIES IN THE STATE BY TRAINING ACTIVE DUTY MILITARY PERSONNEL AND VETERANS TO MEET THEIR CURRENT JOB RESPONSIBILITIES AS WELL AS THE EMPLOYMENT CHALLENGES OF THE FUTURE, SUPPLYING THE MILITARY WITH WELL TRAINED GRADUATES WHO WILL ASSIST THE ARMED FORCES IN MEETING THEIR SPECIAL AND UNIQUE MISSIONS AND OBJECTIVES, AND PROVIDING A SOURCE OF WORLD CLASS RESEARCH FACILITIES THAT WILL CONTINUE TO ASSIST OUR MILITARY IN MAINTAINING ITS OVERPOWERING TECHNOLOGICAL ADVANTAGES RELATIVE TO THE ARMED FORCES OF OTHER NATIONS;

(XI) THE CONSTELLATION OF MILITARY INSTALLATIONS, EDUCATIONAL FACILITIES, DEFENSE CONTRACTORS, AND A QUALITY AND HIGHLY TRAINED WORK FORCE PROVIDE THE NECESSARY TOOLS FOR A LARGE AND THRIVING PRESENCE IN THE STATE OF TECHNOLOGICALLY ADVANCED JOBS AND THE KIND OF SOLID FUTURE-ORIENTED ECONOMIC GROWTH THAT RESULTS FROM A STRONG RESEARCH AND DEVELOPMENT SECTOR. MILITARY-RELATED RESEARCH AND DEVELOPMENT ALSO PROMISES THE BENEFITS OF CONSIDERABLE SPINOFFS FOR COMMERCIAL USES AND APPLICATIONS.

(XII) AT LEAST TWENTY OTHER STATES HAVE CONDUCTED A STATEWIDE ANALYSIS OF THE STRENGTHS AND OPPORTUNITIES THAT THEY OFFER TO THE DEPARTMENT OF DEFENSE AS IT IMPLEMENTS ITS STRATEGIC PLANS OVER THE NEXT SEVERAL YEARS, AND AS MANY AS FIFTEEN MORE STATES ARE IN THE PROCESS OF CONDUCTING SUCH AN ANALYSIS;

(XIII) UNLIKE THESE OTHER STATES, COLORADO HAS NOT COMMISSIONED SUCH AN ANALYSIS NOR HAS IT FOLLOWED THE ACCUMULATION OF RELEVANT DATA WITH A COORDINATED AND COMPREHENSIVE STATE EFFORT TO DEMONSTRATE TO THE DEPARTMENT OF DEFENSE AND FEDERAL POLICYMAKERS THAT MAINTAINING AND EXPANDING MILITARY MISSIONS, INSTALLATIONS, AND DEFENSE-RELATED CONTRACTING IN COLORADO PROMOTES NATIONAL SECURITY AND IS A PRUDENT AND COST-EFFECTIVE INVESTMENT;

(XIV) IN CONNECTION WITH PRIOR RESTRUCTURING EFFORTS, IT APPEARS THAT FACTUAL DATA COMPILED IN THE COURSE OF PREPARING AN INDEPENDENT ANALYSIS OF THE STATE'S STRENGTHS AND OPPORTUNITIES HAS THE GREATEST IMPACT IN PERSUADING POLICYMAKERS WHERE TO MAINTAIN OR EXPAND MILITARY INSTALLATIONS IN AN ENVIRONMENT OF DECREASING FEDERAL RESOURCES; AND

(XV) ADDRESSING THE CHALLENGES RESULTING FROM ANY FUTURE RESTRUCTURING PROCESSES REQUIRES AN ORGANIZED, COORDINATED, AND

PROACTIVE EFFORT ON THE PART OF THE STATE'S ENTIRE LEADERSHIP IN THE GOVERNMENTAL, FOR-PROFIT, AND NONPROFIT SECTORS.

(b) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS TO DEMONSTRATE TO THE APPROPRIATE POLICYMAKERS IN THIS AREA, THROUGH AN INDEPENDENT AND DATA-DRIVEN ANALYSIS, THE STATE'S NUMEROUS STRATEGIC AND ECONOMIC ADVANTAGES AND HOW THE MAINTENANCE AND EXPANSION OF MILITARY MISSIONS, DEFENSE SPENDING, AND DEFENSE-RELATED INVESTMENT IN THIS STATE IS HARMONIOUS WITH AND FULLY PROMOTES THE ULTIMATE STRATEGIC OBJECTIVES OF THE DEPARTMENT OF DEFENSE AND THE NATIONAL SECURITY STRATEGY OF THE PRESIDENT OF THE UNITED STATES.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CONTRACTOR" MEANS THE INDIVIDUAL OR ENTITY WHOSE PROPOSAL TO PREPARE THE REPORT IS ACCEPTED BY THE OFFICE PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION AND THAT HAS BEEN AWARDED A FULLY EXECUTED CONTRACT TO PREPARE THE REPORT PURSUANT TO PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION.

(b) "DEPARTMENT" MEANS THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS CREATED IN SECTION 24-1-127 (1), C.R.S.

(c) "FUND" MEANS THE COMPREHENSIVE REPORT ON THE VALUE OF UNITED STATES MILITARY ACTIVITIES FUND CREATED IN PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION.

(d) "OFFICE" MEANS THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101 (1), C.R.S.

(e) "REPORT" MEANS THE COMPREHENSIVE WRITTEN ANALYSIS SUBMITTED BY A CONTRACTOR ASSESSING THE OVERALL STRENGTHS AND ADVANTAGES OF THE STATE OF COLORADO IN MEETING THE STRATEGIC OBJECTIVES OF THE DEPARTMENT OF DEFENSE AS MORE FULLY DESCRIBED IN THIS SECTION.

(3) (a) NOT LATER THAN AUGUST 1, 2014, THE DEPARTMENT SHALL SOLICIT PROPOSALS THROUGH A REQUEST FOR PROPOSALS FROM PROSPECTIVE CONTRACTORS INTERESTED IN PREPARING A COMPREHENSIVE WRITTEN REPORT ASSESSING THE OVERALL STRENGTHS AND ADVANTAGES OF THE STATE OF COLORADO IN MEETING THE STRATEGIC OBJECTIVES OF THE DEPARTMENT OF DEFENSE AS FURTHER DESCRIBED IN THIS SECTION.

(b) THE REPORT REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (3) WILL ANALYZE, WITHOUT LIMITATION, THE FOLLOWING MATTERS:

(1) THE ALIGNMENT OF THE STATE'S MILITARY INSTALLATIONS AND COMMUNITIES WITH ALL OF THE CRITERIA, ESPECIALLY THE MILITARY VALUE CRITERIA, THAT WERE USED IN THE 2005 DEFENSE BASE CLOSURE AND REALIGNMENT PROCESS THAT ARE SPECIFIED IN SUBPARAGRAPH (V) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AS WELL AS WITH THE CRITERIA THAT WILL GOVERN AND INFORM ANY FUTURE RESTRUCTURING PROCESSES;

(II) HOW THE STATE'S CURRENTLY EXISTING MILITARY INSTALLATIONS, MISSIONS AND INDUSTRY, COMMUNITY SUPPORT, GEOGRAPHY, TRAINING OPPORTUNITIES, QUALITY OF LIFE FOR SERVICE MEMBERS AND THEIR FAMILIES, EDUCATIONAL INSTITUTIONS THAT INCLUDE BOTH KINDERGARTEN THROUGH TWELFTH GRADE AND SECONDARY, CIVILIAN ECONOMY, TRANSPORTATION INFRASTRUCTURE, TECHNOLOGICAL CAPACITIES, AND OTHER FACTORS SUPPORT AND COMPLEMENT THE STRATEGIC OBJECTIVES OF THE DEPARTMENT OF DEFENSE;

(III) THE PRIOR EXPERIENCE OF THE STATE IN ADDRESSING THE CHALLENGES FROM THE BASE REALIGNMENT AND CLOSURE COMMISSION IN 2005 OR OTHER PAST RESTRUCTURING PROCESSES;

(IV) THE ALIGNMENT OF THE STATE'S MILITARY INSTALLATIONS AND COMMUNITIES WITH THE FOUR CRITERIA THAT THE UNITED STATES CONGRESS HAS MANDATED BE USED IN THE ANALYTICAL PROCESS AS SPECIFIED IN SUBPARAGRAPH (VI) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION;

(V) THE DATA DEMONSTRATING THE STATEWIDE IMPACT OF DEFENSE INSTALLATIONS, MISSIONS, AND INDUSTRY ON THE STATE'S ECONOMY;

(VI) THE POTENTIAL OF EXISTING DEFENSE INSTALLATIONS, MISSIONS, AND INDUSTRY AND LOCAL COMMUNITIES IN THE STATE TO SUPPORT REALIGNMENT ACTIONS THAT WILL ENHANCE NATIONAL DEFENSE CAPABILITY; AND

(VII) SUCH ADDITIONAL MATTERS, SPECIFIED IN THE REQUEST FOR PROPOSALS, AS THE DEPARTMENT, IN CONSULTATION WITH THE OFFICE, DETERMINES SHOULD BE INCLUDED IN THE REPORT TO PROMOTE THE INTENT OF THIS SECTION.

(c) THE CONTRACTOR SHALL CONSOLIDATE THE ANALYSIS IT UNDERTAKES OF THE ITEMS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (3) AS SUCH ITEMS MAY BE MORE FULLY SPECIFIED IN THE REQUESTS FOR PROPOSALS INTO A COMPREHENSIVE WRITTEN REPORT SUPPORTED BY INDEPENDENTLY DERIVED AND VERIFIED INFORMATION TO BE USED AS A TOOL FOR DEMONSTRATING TO POLICYMAKERS HOW MILITARY MISSION AND DEFENSE INDUSTRY RETENTION AND EXPANSION AND DEFENSE SPENDING AND INVESTMENT IN COLORADO BEST SERVES THE DEPARTMENT OF DEFENSE FROM THE STANDPOINT OF BOTH NATIONAL SECURITY AND COST EFFECTIVENESS.

(d) THE MINIMUM QUALIFICATIONS FOR THE CONTRACTOR MUST BE SPECIFIED IN THE REQUEST FOR PROPOSALS; EXCEPT THAT, AT A MINIMUM, THE CONTRACTOR MUST:

(I) BE FULLY INDEPENDENT OF THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, AND THE DEPARTMENT OF DEFENSE. THE DEPARTMENT SHALL PROVIDE GREATER SPECIFICATION CONCERNING THE MANNER IN WHICH THE CONTRACTOR SATISFIES THIS SUBPARAGRAPH (I) IN THE REQUEST FOR PROPOSALS.

(II) POSSESS SUBSTANTIAL EXPERIENCE ANALYZING MILITARY INSTALLATION STRENGTHS AND WEAKNESSES AND COMPATIBILITY WITH MILITARY MISSION REQUIREMENTS;

(III) POSSESS SUBSTANTIAL EXPERIENCE PERFORMING ANALYSIS BASED ON THE STRATEGIC PLANS OF THE DEPARTMENT OF DEFENSE; AND

(IV) POSSESS SUBSTANTIAL EXPERIENCE ANALYZING THE ECONOMIC IMPACT OF DEFENSE INSTALLATIONS, MISSIONS, AND INDUSTRY.

(4) (a) NOT LATER THAN OCTOBER 1, 2014, THE DEPARTMENT SHALL ACCEPT A PROPOSAL SUBMITTED BY A PARTICULAR CONTRACTOR AND SHALL AWARD TO THE CONTRACTOR WHOSE PROPOSAL IT ACCEPTS A FULLY EXECUTED CONTRACT TO PREPARE THE REPORT.

(b) AS MAY BE FURTHER SPECIFIED IN THE REQUEST FOR PROPOSALS, IN COMPLETING THE REPORT, THE CONTRACTOR WHOSE PROPOSAL IS SELECTED MAY ENTER INTO A CONTRACT WITH ONE OR MORE INDIVIDUALS OR ENTITIES AS NECESSARY TO FULFILL ANY PORTION OF THE WORK REQUIRED UNDER THE CONTRACT.

(c) THE CONTRACTOR SHALL COMPLETE THE REPORT NOT LATER THAN APRIL 15, 2015.

(d) UPON COMPLETION OF THE REPORT, THE CONTRACTOR SHALL PROVIDE COPIES OF THE REPORT TO THE GOVERNOR, THE ADJUTANT GENERAL OF THE DEPARTMENT, THE DIRECTOR OF THE OFFICE, THE COMMITTEES OF REFERENCE OF THE GENERAL ASSEMBLY EXERCISING JURISDICTION OVER MILITARY AFFAIRS, AND TO EACH MEMBER OF COLORADO'S CONGRESSIONAL DELEGATION.

(e) THE DEPARTMENT IS NOT REQUIRED TO COMPLY WITH ARTICLES 101 TO 112 OF TITLE 24, C.R.S., IN ISSUING A REQUEST FOR PROPOSALS, SELECTING A CONTRACTOR, EXECUTING THE CONTRACT, OR PERFORMING ANY OTHER DUTY DELEGATED TO IT UNDER THIS SECTION.

(5) THE DEPARTMENT, IN CONSULTATION WITH THE OFFICE, SHALL PREPARE THE REQUEST FOR PROPOSALS, SELECT THE CONTRACTOR, AND PERFORM ALL OTHER DUTIES DELEGATED TO THE DEPARTMENT UNDER THIS SECTION.

(6)(a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE COMPREHENSIVE REPORT ON THE VALUE OF UNITED STATES MILITARY ACTIVITIES FUND. THE FUND IS ADMINISTERED BY THE ADJUTANT GENERAL ACTING AS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT. THE FUND CONSISTS OF ALL MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY, ALL MONEYS COLLECTED BY THE DEPARTMENT FOR THE PURPOSES OF THIS SECTION FROM FEDERAL GRANTS AND OTHER CONTRIBUTIONS, AND GIFTS, GRANTS, AND DONATIONS RECEIVED FROM ANY OTHER ORGANIZATION, ENTITY, OR INDIVIDUAL, PUBLIC OR PRIVATE. ALL SUCH MONEYS ARE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE FUND. ANY MONEYS IN THE FUND AT THE END OF ANY FISCAL YEAR DO NOT REVERT TO THE GENERAL FUND.

(b) ALL MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO PAY THE COSTS TO PRODUCE THE REPORT REQUIRED BY THIS SECTION. FOR ANY FISCAL YEAR, NO MORE THAN TWO AND ONE-HALF PERCENT OF THE MONEYS IN THE FUND MAY BE EXPENDED BY THE DEPARTMENT FOR THE COSTS

IT INCURS IN ADMINISTERING THIS SECTION.

(7) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 2. Appropriation - adjustments to 2014 long bill. (1) For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$300,000.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the comprehensive report on the value of United States military activities fund created in section 28-4.5-101 (6) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, the sum of \$300,000, and said sum, or so much thereof as may be necessary, is further appropriated to the department of military and veterans affairs, for the implementation of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 14, 2014