

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

ENGROSSED

LLS NO. R16-0958.01 Joel Moore x4497

SJR16-011

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Senate Committees

House Committees

SENATE JOINT RESOLUTION 16-011

101 **CONCERNING DISCOURAGING THE LEASE OF THE CENTENNIAL SOUTH**
102 **CAMPUS OF THE CENTENNIAL CORRECTIONAL FACILITY IN**
103 **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 detainees 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,

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.

SENATE
Amended Final Rdg
March 10, 2016

1 Subsection D, Sections 1031-1034 of that act, by an overwhelming,
2 veto-proof vote of 91-3 in the Senate and 370-58 in the House of
3 Representatives, and the legislation was duly signed into law by President
4 Obama on November 25, 2015; and

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

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

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

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

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

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

29 WHEREAS, In 2012, with the passage of House Bill 12-1337, the
30 General Assembly closed the Centennial south campus of the Centennial
31 Correctional Facility in Canon City, Colorado, and prohibited the use of
32 the facility "for the purpose of housing inmates in the housing units", but
33 encouraged the Executive Director of the Department of Corrections to
34 "actively pursue options to sell or lease" the facility (section 17-1-104.3
35 (1) (b.5), Colorado Revised Statutes); and

1 WHEREAS, In fiscal year 2016-2017, lease-purchase payments
2 for the vacant facility will cost Colorado taxpayers \$20,258,268; and

3 WHEREAS, the Centennial south campus of the Centennial
4 Correctional Facility is the only Colorado Department of Corrections
5 facility now vacant and recent recommendations of the Prison Utilization
6 Study have proposed realignment of the uses of this and other Department
7 of Correction facilities; and

8 WHEREAS, A large majority of Colorado's nine-member
9 delegation in Congress, including members of both major political
10 parties, voted for the most recent legislation prohibiting the expenditure
11 of funds for the transfer of detainees from the Guantanamo facility to any
12 facility on U.S. soil; and

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

17 WHEREAS, While the Governor of the state of Colorado has the
18 authority to sell or lease a state-owned property to the federal government
19 for legitimate federal purposes, it is the sense of the Seventieth General
20 Assembly that out of respect for the United States Constitution's
21 cornerstone principles of federalism and the separation of powers, such
22 executive authority ought not to be used for the sale or lease of state
23 property for purposes explicitly declared illegal by act of Congress; now,
24 therefore,

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

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

32 *Be It Further Resolved,* That copies of this Joint Resolution be sent
33 to President Barack Obama; Speaker of the House of Representatives,
34 Paul Ryan; Senate Majority Leader Mitch McConnell; Secretary of
35 Defense Ashton B. Carter; Colorado Governor John Hickenlooper; the

- 1 Colorado Congressional Delegation; and Executive Director of the
- 2 Colorado Department of Corrections, Rick Raemisch.