

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0871.01 Bob Lackner x4350

SENATE BILL 14-157

SENATE SPONSORSHIP

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

HOUSE SPONSORSHIP

Ryden and Nordberg,

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE COMMISSION OF A REPORT BY THE DEPARTMENT OF**
102 **MILITARY AND VETERANS AFFAIRS THAT EXAMINES THE**
103 **COMPREHENSIVE VALUE OF UNITED STATES MILITARY**
104 **ACTIVITIES CENTERED IN COLORADO.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The department of military and veterans affairs (department) is required, not later than August 1, 2014, to solicit proposals through a

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.

request for proposals from prospective contractors interested in preparing a comprehensive written report (report) assessing the overall strengths and advantages of the state of Colorado in meeting the strategic objectives of the department of defense (DoD).

The bill requires the selected contractor to consolidate its analysis into a 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 DoD from the standpoint of both national security and cost effectiveness. The bill specifies the matters the report is required to analyze.

The bill sets forth minimum qualifications for the contractor to include in the request for proposals and also specifies minimum qualifications the contractor must possess.

Not later than October 1, 2014, the department is required to accept a proposal submitted by a particular contractor and award to the contractor whose proposal it accepts a fully executed contract to prepare the report.

In completing the report, the bill permits the contractor whose proposal is selected to enter into a contract with one or more individuals or entities as necessary to fulfill any portion of the work required under the contract.

The bill obligates the contractor to complete the report not later than April 15, 2015.

The bill exempts the department from the state procurement code in issuing a request for proposals, selecting a contractor, executing the contract, or performing its other duties under the bill.

The bill directs the department, in consultation with the office of economic development, to prepare the request for proposals, select the contractor, and perform all other duties delegated to the department under the bill.

The bill creates in the state treasury the comprehensive report on the value of United States military activities fund. The bill specifies the source of moneys that will comprise the fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 4.5 to title
3 28 as follows:

4 **ARTICLE 4.5**

5 **Report on the Value of**

1 **United States Military Activities in the State**

2 **28-4.5-101. Report on value of United States military activities**
3 **in state - fund - legislative declaration - definitions - repeal.**

4 (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND
5 DECLARES THAT:

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

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

12 (III) THESE RESTRUCTURING DECISIONS MAY RESULT IN THE
13 CLOSING OF CERTAIN BASES OR INSTALLATIONS AND THE RELOCATION OR
14 ELIMINATION OF VARIOUS UNITS AND COMMANDS ACROSS THE NATION;

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

19 (V) THE ANALYTICAL PROCESS THAT WAS USED BY THE DEFENSE
20 BASE CLOSURE AND REALIGNMENT COMMISSION, REFERRED TO IN THIS
21 SUBSECTION (1) AS "BRAC", IN 2005 REQUIRED RECOMMENDATIONS TO
22 BE BUILT AROUND THREE CONSIDERATIONS: CERTIFIED DATA, A
23 TWENTY-YEAR FORCE STRUCTURE PLAN, AND MILITARY VALUE SELECTION
24 CRITERIA. THE MILITARY VALUE CRITERIA USED IN 2005 WERE CURRENT
25 AND FUTURE MISSION CAPABILITIES; AVAILABILITY AND CONDITION OF
26 LAND, FACILITIES, AND AIRSPACE; THE ABILITY TO ACCOMMODATE
27 CONTINGENCY, MOBILIZATION, SURGE, AND FUTURE TOTAL FORCE

1 REQUIREMENTS; AND THE COST OF OPERATIONS AND MANPOWER
2 IMPLICATIONS. IT IS ANTICIPATED THAT, IN CONNECTION WITH ANY FUTURE
3 BRAC COMMISSION OR SIMILAR RESTRUCTURING PROCESS, THE FIRST
4 FOUR MILITARY VALUE CRITERIA WILL CONTINUE TO RECEIVE THE
5 GREATEST WEIGHT IN THE CONSIDERATION OF RELEVANT CRITERIA.

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

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

16 (VIII) COLORADO HAS A PROUD HISTORY OF SUPPORTING ITS
17 MILITARY INSTALLATIONS, SERVICE MEMBERS, AND THEIR FAMILIES. THE
18 STATE'S MILITARY INSTALLATIONS, INCLUDING FORT CARSON, BUCKLEY,
19 PETERSON, AND SCHRIEVER AIR FORCE BASES, CHEYENNE MOUNTAIN AIR
20 FORCE STATION, GREELEY AIR NATIONAL GUARD STATION, THE UNITED
21 STATES AIR FORCE ACADEMY, THE READINESS CENTERS OF THE
22 COLORADO ARMY NATIONAL GUARD AND THE UNITED STATES ARMY
23 RESERVE, AND THE HIGH-ALTITUDE ARMY NATIONAL GUARD AVIATION
24 TRAINING SITE PLAY A SIGNIFICANT ROLE IN SECURING THE NATION
25 AGAINST THREATS FROM ABROAD AND RESPONDING TO DOMESTIC
26 EMERGENCIES IN ADDITION TO ASSUMING A CRITICAL FUNCTION IN THE
27 COMMUNITIES IN WHICH THEY ARE LOCATED AND IN THE STATE'S

1 ECONOMY OVERALL. IN ADDITION TO THE IMPACTS THESE FACILITIES HAVE
2 ON THE STATE'S ECONOMY, THE DEPARTMENT OF DEFENSE ENTERS INTO
3 NUMEROUS CONTRACTS WITH BUSINESSES AND EDUCATIONAL FACILITIES
4 IN THE STATE FOR THE PROVISION OF RESEARCH, EQUIPMENT, AND OTHER
5 SERVICES.

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

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

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

24 (XII) IN CONNECTION WITH PRIOR RESTRUCTURING EFFORTS, IT
25 APPEARS THAT FACTUAL DATA COMPILED IN THE COURSE OF PREPARING AN
26 INDEPENDENT ANALYSIS OF THE STATE'S STRENGTHS AND OPPORTUNITIES
27 HAS THE GREATEST IMPACT IN PERSUADING POLICYMAKERS WHERE TO

1 MAINTAIN OR EXPAND MILITARY INSTALLATIONS IN AN ENVIRONMENT OF
2 DECREASING FEDERAL RESOURCES; AND

3 (XIII) ADDRESSING THE CHALLENGES RESULTING FROM ANY
4 FUTURE RESTRUCTURING PROCESSES REQUIRES AN ORGANIZED,
5 COORDINATED, AND PROACTIVE EFFORT ON THE PART OF THE STATE'S
6 ENTIRE LEADERSHIP IN THE GOVERNMENTAL, FOR-PROFIT, AND NONPROFIT
7 SECTORS.

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

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

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

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

26 (c) "FUND" MEANS THE COMPREHENSIVE REPORT ON THE VALUE OF
27 UNITED STATES MILITARY ACTIVITIES FUND CREATED IN PARAGRAPH (a)

1 OF SUBSECTION (6) OF THIS SECTION.

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

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

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

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

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

24 (II) HOW THE STATE'S CURRENTLY EXISTING MILITARY
25 INSTALLATIONS, MISSIONS AND INDUSTRY, COMMUNITY SUPPORT,
26 GEOGRAPHY, TRAINING OPPORTUNITIES, QUALITY OF LIFE FOR SERVICE
27 MEMBERS AND THEIR FAMILIES, EDUCATIONAL INSTITUTIONS THAT

1 INCLUDE BOTH KINDERGARTEN THROUGH TWELFTH GRADE AND
2 SECONDARY, CIVILIAN ECONOMY, TRANSPORTATION INFRASTRUCTURE,
3 TECHNOLOGICAL CAPACITIES, AND OTHER FACTORS SUPPORT AND
4 COMPLEMENT THE STRATEGIC OBJECTIVES OF THE DEPARTMENT OF
5 DEFENSE;

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

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

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

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

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

25 (c) THE CONTRACTOR SHALL CONSOLIDATE THE ANALYSIS IT
26 UNDERTAKES OF THE ITEMS SPECIFIED IN PARAGRAPH (b) OF THIS
27 SUBSECTION (3) AS SUCH ITEMS MAY BE MORE FULLY SPECIFIED IN THE

1 REQUESTS FOR PROPOSALS INTO A COMPREHENSIVE WRITTEN REPORT
2 SUPPORTED BY INDEPENDENTLY DERIVED AND VERIFIED INFORMATION TO
3 BE USED AS A TOOL FOR DEMONSTRATING TO POLICYMAKERS HOW
4 MILITARY MISSION AND DEFENSE INDUSTRY RETENTION AND EXPANSION
5 AND DEFENSE SPENDING AND INVESTMENT IN COLORADO BEST SERVES THE
6 DEPARTMENT OF DEFENSE FROM THE STANDPOINT OF BOTH NATIONAL
7 SECURITY AND COST EFFECTIVENESS.

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

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

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

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

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

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

27 (b) AS MAY BE FURTHER SPECIFIED IN THE REQUEST FOR

1 PROPOSALS, IN COMPLETING THE REPORT, THE CONTRACTOR WHOSE
2 PROPOSAL IS SELECTED MAY ENTER INTO A CONTRACT WITH ONE OR MORE
3 INDIVIDUALS OR ENTITIES AS NECESSARY TO FULFILL ANY PORTION OF THE
4 WORK REQUIRED UNDER THE CONTRACT.

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

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

13 (e) THE DEPARTMENT IS NOT REQUIRED TO COMPLY WITH ARTICLES
14 101 TO 112 OF TITLE 24, C.R.S., IN ISSUING A REQUEST FOR PROPOSALS,
15 SELECTING A CONTRACTOR, EXECUTING THE CONTRACT, OR PERFORMING
16 ANY OTHER DUTY DELEGATED TO IT UNDER THIS SECTION.

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

21 (6) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
22 COMPREHENSIVE REPORT ON THE VALUE OF UNITED STATES MILITARY
23 ACTIVITIES FUND. THE FUND IS ADMINISTERED BY THE ADJUTANT GENERAL
24 ACTING AS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT. THE FUND
25 CONSISTS OF ALL MONEYS APPROPRIATED TO THE FUND BY THE GENERAL
26 ASSEMBLY, ALL MONEYS COLLECTED BY THE DEPARTMENT FOR THE
27 PURPOSES OF THIS SECTION FROM FEDERAL GRANTS AND OTHER

1 CONTRIBUTIONS, AND GIFTS, GRANTS, AND DONATIONS RECEIVED FROM
2 ANY OTHER ORGANIZATION, ENTITY, OR INDIVIDUAL, PUBLIC OR PRIVATE.
3 ALL SUCH MONEYS ARE TRANSMITTED TO THE STATE TREASURER AND
4 CREDITED TO THE FUND. ANY MONEYS IN THE FUND AT THE END OF ANY
5 FISCAL YEAR DO NOT REVERT TO THE GENERAL FUND.

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

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

13 **SECTION 2. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.