

CHAPTER 292

TAXATION

SENATE BILL 06-229

BY SENATOR(S) Fitz-Gerald, Isgar, Taylor, Boyd, Brophy, Gordon, Groff, Keller, Kester, May R., Mitchell, Owen, Shaffer, Teck, Tochtrop, Tupa, Veiga, Wiens, Williams, Windels, Bacon, and Tapia;
also REPRESENTATIVE(S) Plant, Berens, Crane, Harvey, Hodge, Jahn, Kerr A., Kerr J., Liston, Madden, Marshall, McCluskey, McGihon, Rose, Sullivan, White, and Witwer.

AN ACT

CONCERNING THE USE OF MONEYS FROM THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND TO PAY FOR THE STATE'S SHARE OF A FACILITY RELATED TO A NATIONAL DEEP UNDERGROUND SCIENCE AND ENGINEERING LABORATORY TO BE LOCATED IN THE STATE.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The national science foundation is in the final stages of selecting the site for the development of a national deep underground science and engineering laboratory (DUSEL) to be used for advanced experiments in physics, geosciences, and biosciences.

(b) The purpose of a DUSEL is to enable the broad range of science and engineering research that requires a deep underground location for various reasons, including shielding from cosmic rays and direct access to physical, chemical, biological, and engineering processes that are best studied deep underground.

(c) The Arapaho project, inc., a private nonprofit corporation organized for the purpose of supporting science and engineering opportunities in Colorado, has joined with the Colorado school of mines, the university of Colorado at Boulder, Colorado state university, the state university of New York at Stony Brook, the university of Nebraska at Lincoln, Pennsylvania state university, the university of Tennessee, the university of Utah, climax molybdenum co., and the Henderson mine near Empire, Colorado, to form the Henderson underground science and engineering project (HUSEP) to promote the development of underground science and engineering at

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

the Henderson mine.

(d) HUSEP applied to the national science foundation to designate the Henderson mine as the site of the proposed DUSEL, and the Henderson mine is one of two finalists for the DUSEL.

(e) The Henderson mine site offers advantages of depth, existing infrastructure, geology, cost, accessibility, and proximity to industry, technicians, and major academic institutions that make it an economical and logical candidate as a DUSEL site.

(f) Construction of a DUSEL at the Henderson mine site would provide a bold and comprehensive science and engineering program for fundamental discoveries with far reaching benefits while also substantially benefiting the local economy and providing unique educational opportunities.

(g) The construction of a DUSEL at the Henderson mine and the ongoing research that would be conducted there would make Colorado the leading center for deep underground scientific research in the United States, attract top scientists and technical support staff to Colorado's universities, provide subsidiary learning opportunities for students, and create high paying jobs for Coloradans.

(2) The general assembly further finds and declares that:

(a) It is strongly in favor of the designation of the Henderson mine site as the preferred site for the proposed DUSEL.

(b) The appropriations required by this act demonstrate the general assembly's intention to work with the federal government and local stakeholders and to provide financial support for the DUSEL at the Henderson mine site.

SECTION 2. 39-29-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-29-109. Severance tax trust fund - created - administration - use of moneys - definitions - repeal. (1) (I) (I) AS USED IN THIS PARAGRAPH (I), UNLESS THE CONTEXT OTHERWISE REQUIRES, "DUSEL" MEANS A NATIONAL DEEP UNDERGROUND SCIENCE AND ENGINEERING LABORATORY.

(II) EXCEPT AS OTHERWISE SET FORTH IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH (I), FOR FIVE STATE FISCAL YEARS BEGINNING WITH THE STATE FISCAL YEAR COMMENCING JULY 1, 2007, THE GENERAL ASSEMBLY SHALL APPROPRIATE AN AMOUNT NOT EXCEEDING THE AMOUNTS SET FORTH IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (I) FROM THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND TO THE DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSE OF PAYING THE STATE'S SHARE OF THE COSTS RELATED TO THE CONSTRUCTION AND OPERATION OF A DUSEL FACILITY THAT WILL HOUSE A VISITORS' CENTER, EDUCATIONAL RESOURCES, AND ADMINISTRATIVE OFFICES RELATED TO THE DUSEL.

(III) THE APPROPRIATIONS REQUIRED PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (I) ARE AS FOLLOWS:

(A) ONE MILLION DOLLARS FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2007;

(B) FIVE MILLION DOLLARS FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2008;

(C) FIVE MILLION DOLLARS FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2009;

(D) FIVE MILLION DOLLARS FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2010; AND

(E) FOUR MILLION DOLLARS FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2011.

(IV) IF THE NATIONAL SCIENCE FOUNDATION DOES NOT AWARD THE DUSEL TO THE HENDERSON MINE NEAR EMPIRE, THE GENERAL ASSEMBLY SHALL NOT APPROPRIATE MONEYS PURSUANT TO THIS PARAGRAPH (I). IN ADDITION, THE GENERAL ASSEMBLY SHALL ONLY APPROPRIATE MONEYS PURSUANT TO THIS PARAGRAPH (I) FOR A GIVEN STATE FISCAL YEAR, IF, BASED ON THE PRECEDING MARCH REVENUE FORECAST FROM THE LEGISLATIVE COUNCIL, THERE WILL BE SUFFICIENT REVENUE IN THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND AFTER ALL THE APPROPRIATIONS AUTHORIZED OR REQUIRED BY LAW AS OF THE MARCH REVENUE FORECAST TO MEET THE YEAR END BALANCE FOR THE GIVEN STATE FISCAL YEAR THAT IS REQUIRED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION AND REQUIRED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (F) OF SUBSECTION (1.5) OF THIS SECTION.

(V) THE APPROPRIATIONS PURSUANT TO THIS PARAGRAPH (I) SHALL BE EXEMPT FROM THE REQUIREMENTS OF SUBPARAGRAPH (III) OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 31, 2006