

**First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 01-0426.01 Dan Cartin

**HOUSE BILL 01-1159**

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**HOUSE SPONSORSHIP**

**Rippy, and White**

**SENATE SPONSORSHIP**

**Taylor,**

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**House Committees**

Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE AUTHORITY OF LOCAL GOVERNMENTAL ENTITIES TO**  
102             **PROVIDE FINANCIAL ASSISTANCE TO GROWTH-IMPACTED LOCAL**  
103             **GOVERNMENTAL ENTITIES THROUGH THE UTILIZATION OF**  
104             **INTERGOVERNMENTAL AGREEMENTS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Creates a local government growth assistance process that authorizes governmental entities, where at least one of such entities is a growth county and another is an adjoining county and at least one city or town located in each of the counties participates, to enter into intergovernmental agreements for up to 5 years whereby the governmental

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.*

entities agree to allocate state grants and loans and share local revenues for certain growth-related purposes.

Authorizes any county or any city or town that is a party to an intergovernmental agreement under the newly-created provisions for local government growth assistance to levy a countywide or a city or town sales tax increase for the purpose of crediting revenues from that sales tax increase to the local growth impact fund established by the agreement. Requires voter approval of any such additional sales tax. Limits the amount of revenue that may be generated annually from the additional sales tax. Exempts such sales tax increase from the limitations on the amount of sales tax that a county or a city or town may impose. Specifies that, for any fiscal year commencing on or after July 1, 2000, if the revenue estimate prepared by the legislative council staff in June of the calendar year in which that fiscal year ends indicates that there will be excess state revenues for such fiscal year, the sales tax increase may be imposed:

- For a period from January 1 through June 30 of the calendar year following the calendar year in which that fiscal year ended if such estimate is made prior to the election authorizing such sales tax increase; and
- For a period from July 1 of the calendar year in which that fiscal year ended through June 30 of the following calendar year if such estimate is made after an election authorized such sales tax increase.

Requires the executive director of the department of revenue to temporarily reduce, for a specified period, the state sales tax imposed in a county or in a city or town in an amount equal to the percentage of the sales tax increase authorized by such county or in such city or town for the purpose of crediting revenues from that tax to the local growth impact fund if, for any fiscal year commencing on or after July 1, 2000, the revenue estimate prepared by the legislative council staff indicates that there will be excess state revenues for such fiscal year. Specifies that such a temporary state sales tax reduction shall be:

- For a period from January 1 through June 30 of the calendar year following the calendar year in which that fiscal year ended if such estimate is made prior to the election authorizing such sales tax increase; and
- For the period from July 1 of the calendar year in which that fiscal year ended through June 30 of the following calendar year if such estimate is made after an election authorized such sales tax increase.

Requires that such agreements establish a method for allocating moneys to the governmental entities that are parties to the agreement, specify the amount of matching funds for which the parties are obligated, specify whether a party to the agreement intends to levy an additional



1           **29-1-1301. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
2           HEREBY FINDS AND DECLARES THAT GROWTH IN THE STATE OF COLORADO  
3           IS A CONCERN AT BOTH THE STATE AND LOCAL LEVELS BECAUSE THE STATE  
4           AS A WHOLE IS AFFECTED BY SUCH GROWTH AND BECAUSE THE  
5           APPROPRIATE METHOD OF ADDRESSING ISSUES CAUSED BY GROWTH  
6           DEPENDS ON THE UNIQUE CHARACTERISTICS OF EACH AFFECTED AREA AND  
7           THE NATURE OF THE GROWTH.

8           (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

9           (a) IN CERTAIN AREAS OF THE STATE, GROWTH PATTERNS HAVE  
10          DEVELOPED IN WHICH INDIVIDUALS WORK IN JURISDICTIONS THAT  
11          GENERATE AN AMOUNT OF REVENUE FOR THE STATE THAT EXCEEDS THE  
12          STATEWIDE PER CAPITA AVERAGE BUT RESIDE IN JURISDICTIONS THAT  
13          GENERATE AN AMOUNT OF REVENUE FOR THE STATE THAT IS LESS THAN THE  
14          STATEWIDE PER CAPITA AVERAGE.

15          (b) SUCH GROWTH PATTERNS ALSO DISPROPORTIONATELY IMPACT  
16          THE AMOUNT OF REVENUES GENERATED FOR THE LOCAL JURISDICTIONS  
17          THROUGH THEIR LOCALLY IMPOSED TAXES.

18          (c) THIS SITUATION CAN RESULT IN WHAT AMOUNTS TO A SUBSIDY  
19          IN PROVIDING FOR SCHOOLS, HUMAN SERVICES, POLICE AND FIRE SERVICES,  
20          STREETS AND HIGHWAYS, AFFORDABLE HOUSING, WATER, WASTEWATER  
21          TREATMENT, SOLID WASTE DISPOSAL, AND OTHER SERVICES FROM THE  
22          JURISDICTIONS WHERE INDIVIDUALS RESIDE TO THE JURISDICTIONS WHERE  
23          THEY WORK.

24          (d) IT IS DESIRABLE TO ENHANCE THE BALANCE OF REVENUES  
25          AVAILABLE IN SUCH GROWTH-IMPACTED REGIONS OF THE STATE WHILE  
26          ENSURING THAT THE POWER, AUTHORITY, AND RESOURCES TO DESIGN  
27          SPECIFIC SOLUTIONS TO ADDRESS THE PROBLEMS CREATED BY GROWTH

1 REMAIN IN THE HANDS OF THE LOCAL JURISDICTIONS THAT ARE IN THE BEST  
2 POSITION TO EVALUATE THEIR NEEDS.

3 (e) IT IS APPROPRIATE THAT STATE REVENUES BE UTILIZED TO  
4 ENABLE SUCH GROWTH-IMPACTED REGIONS OF THE STATE TO ADDRESS THE  
5 PROBLEMS CREATED BY GROWTH SINCE STATE REVENUES ARE AUGMENTED  
6 BY INCREASING AMOUNTS OF STATE INDIVIDUAL INCOME AND SALES TAXES  
7 COLLECTED FROM INDIVIDUALS AND ENTITIES LOCATED IN SUCH  
8 GROWTH-IMPACTED REGIONS.

9 (3) IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY IN  
10 ENACTING THIS PART 13 TO ENABLE LOCAL GOVERNMENTS TO WORK  
11 COOPERATIVELY TO ADDRESS THE IMPACTS OF GROWTH BY UTILIZING  
12 FINANCIAL ASSISTANCE GIVEN BY THE STATE TO GROWTH-IMPACTED  
13 REGIONS.

14 **29-1-1302. Definitions.** AS USED IN THIS PART 13, UNLESS THE  
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "ADVISORY COMMITTEE" MEANS THE LOCAL GOVERNMENT  
17 GROWTH ASSISTANCE ADVISORY COMMITTEE CREATED PURSUANT TO  
18 SECTION 29-1-1307 (1).

19 (2) "BOARD OF TRUSTEES" MEANS THE BOARD OF TRUSTEES OF A  
20 LOCAL GROWTH IMPACT FUND.

21 (3) "COUNTY" MEANS A COUNTY OR A CITY AND COUNTY.

22 (4) "ENTITY" OR "GOVERNMENTAL ENTITY" MEANS ANY COUNTY,  
23 CITY, CITY AND COUNTY, TOWN, SCHOOL DISTRICT, SPECIAL DISTRICT, OR  
24 HOUSING AUTHORITY CREATED PURSUANT TO PART 2 OR PART 5 OF ARTICLE  
25 4 OF THIS TITLE.

26 (5) "EXCESS PER CAPITA REVENUE" MEANS THE DIFFERENCE  
27 BETWEEN THE PER CAPITA REVENUE WITHIN A GROWTH COUNTY AND PER

1       CAPITA REVENUE STATEWIDE.

2               (6) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
3       THE DEPARTMENT OF LOCAL AFFAIRS.

4               (7) "GROWTH COUNTY" MEANS A COUNTY SATISFYING THE  
5       CONDITIONS SET FORTH IN SECTION 29-1-1304 (3).

6               (8) "LOCAL FUND" MEANS A LOCAL GROWTH IMPACT FUND.

7               (9) "PER CAPITA REVENUE" MEANS STATE REVENUE RESULTING  
8       FROM STATE INDIVIDUAL INCOME AND SALES TAXES COLLECTED FROM  
9       INDIVIDUALS OR ENTITIES LOCATED WITHIN THE JURISDICTION OF A  
10       GOVERNMENTAL ENTITY DURING A GIVEN STATE FISCAL YEAR DIVIDED BY  
11       THE POPULATION OF THE ENTITY.

12              (10) "PER CAPITA REVENUE STATEWIDE" MEANS THE AVERAGE PER  
13       CAPITA REVENUE FOR ALL GOVERNMENTAL ENTITIES OF A PARTICULAR  
14       TYPE WITHIN THE STATE OF COLORADO.

15              (11) "POPULATION" MEANS THE LARGEST POPULATION ESTIMATE  
16       FOR THE PRECEDING CALENDAR YEAR AS PREPARED BY THE DIVISION OF  
17       PLANNING PURSUANT TO SECTION 24-32-204, C.R.S.

18              **29-1-1303. Sales tax - local growth impact fund.** (1) SUBJECT  
19       TO THE LIMITATION SPECIFIED IN SECTION 29-1-1305 (3) AND IN ADDITION  
20       TO ANY SALES TAX IMPOSED PURSUANT TO SECTION 29-2-102 OR 29-2-103,  
21       ANY COUNTY OR ANY CITY OR TOWN IN THIS STATE THAT IS A PARTY TO AN  
22       INTERGOVERNMENTAL AGREEMENT ENTERED INTO PURSUANT TO SECTION  
23       29-1-1304 IS AUTHORIZED TO LEVY A COUNTYWIDE OR A CITY OR TOWN  
24       SALES TAX OF UP TO ONE PERCENT FOR THE PURPOSE OF CREDITING  
25       REVENUES DERIVED FROM SUCH SALES TAX TO THE LOCAL GROWTH IMPACT  
26       FUND ESTABLISHED PURSUANT TO SUCH AGREEMENT; EXCEPT THAT THE  
27       ADDITIONAL SALES TAX REVENUES DERIVED ANNUALLY FROM ANY

1 COUNTYWIDE OR A CITY OR TOWN SALES TAX IMPOSED PURSUANT TO THIS  
2 SECTION SHALL NOT EXCEED THE LESSER OF FIVE MILLION DOLLARS OR AN  
3 AMOUNT EQUAL TO THE TOTAL OF FIFTY PERCENT OF THE PRODUCT OF THE  
4 EXCESS PER CAPITA REVENUE AND THE POPULATION, BASED ON THE MOST  
5 RECENT FIGURES AVAILABLE, OF EACH GROWTH COUNTY THAT IS A PARTY  
6 TO THE AGREEMENT.

7 (2) (a) No ADDITIONAL SALES TAX SHALL BE LEVIED PURSUANT TO  
8 THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION UNLESS:

9 (I) SUCH PROPOSAL IS INCLUDED IN AN INTERGOVERNMENTAL  
10 AGREEMENT SUBMITTED TO THE EXECUTIVE DIRECTOR PURSUANT TO  
11 SECTION 29-1-1304 AND CERTIFIED PURSUANT TO SECTION 29-1-1305;

12 (II) SUCH PROPOSAL HAS BEEN REFERRED TO AND APPROVED BY  
13 THE REGISTERED ELECTORS OF THE COUNTY OR OF THE CITY OR TOWN IN  
14 ACCORDANCE WITH THE PROVISIONS OF THIS PART 13; AND

15 (III) THE REVENUE ESTIMATE PREPARED BY THE STAFF OF THE  
16 LEGISLATIVE COUNCIL INDICATES THAT THE AGGREGATE AMOUNT OF STATE  
17 REVENUES WILL EXCEED THE LIMITATION ON STATE FISCAL YEAR SPENDING  
18 IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION  
19 FOR A PARTICULAR FISCAL YEAR AS PROVIDED IN SUBSECTION (6) OF THIS  
20 SECTION.

21 (b) ANY PROPOSAL FOR THE IMPOSITION OF AN ADDITIONAL SALES  
22 TAX PURSUANT TO THIS SECTION MAY ONLY BE SUBMITTED AT A GENERAL  
23 ELECTION HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN  
24 NOVEMBER OF EACH EVEN-NUMBERED YEAR OR AT AN ODD-YEAR  
25 ELECTION HELD ON THE FIRST TUESDAY OF NOVEMBER OF SUCH  
26 ODD-NUMBERED YEAR AND SHALL BE CONDUCTED BY THE COUNTY CLERK  
27 AND RECORDER IN ACCORDANCE WITH THE "UNIFORM ELECTION CODE OF

1 1992", ARTICLES 1 TO 13 OF TITLE 1, C.R.S., OR BY THE MUNICIPAL CLERK  
2 IN ACCORDANCE WITH THE "COLORADO MUNICIPAL ELECTION CODE OF  
3 1965", ARTICLE 10 OF TITLE 31, C.R.S.

4 (3) IF APPROVED BY A MAJORITY OF THE REGISTERED ELECTORS  
5 VOTING THEREON, THE ADDITIONAL SALES TAX AUTHORIZED PURSUANT TO  
6 THIS SECTION SHALL BE IMPOSED AS PROVIDED IN SUBSECTION (6) OF THIS  
7 SECTION.

8 (4) ALL REVENUES COLLECTED FROM THE ADDITIONAL SALES TAX  
9 IMPOSED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE LOCAL  
10 GROWTH IMPACT FUND ESTABLISHED PURSUANT TO THE  
11 INTERGOVERNMENTAL AGREEMENT TO WHICH THE COUNTY OR THE CITY OR  
12 TOWN LEVYING SUCH ADDITIONAL SALES TAX IS A PARTY.

13 (5) THE TAX AUTHORIZED BY THIS SECTION SHALL NOT BE SUBJECT  
14 TO THE LIMITATIONS IMPOSED BY SECTION 29-2-108, BUT IN NO EVENT  
15 SHALL SUCH TAX EXCEED ONE PERCENT.

16 (6) THE ADDITIONAL SALES TAX ADOPTED PURSUANT TO THIS  
17 SECTION SHALL BE IMPOSED AS FOLLOWS:

18 (a) IF FOR ANY FISCAL YEAR COMMENCING ON OR AFTER JULY 1,  
19 2000, THE REVENUE ESTIMATE PREPARED BY THE STAFF OF THE  
20 LEGISLATIVE COUNCIL IN JUNE OF THE CALENDAR YEAR IN WHICH THAT  
21 FISCAL YEAR ENDED INDICATES THAT THE AGGREGATE AMOUNT OF STATE  
22 REVENUES WILL EXCEED THE LIMITATION ON STATE FISCAL YEAR SPENDING  
23 IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION  
24 AND THE VOTERS STATEWIDE EITHER HAVE NOT AUTHORIZED THE STATE TO  
25 RETAIN AND SPEND ALL OF THE EXCESS REVENUES FOR THAT FISCAL YEAR  
26 OR HAVE AUTHORIZED THE STATE TO RETAIN AND SPEND ONLY A PORTION  
27 OF THE EXCESS REVENUES FOR THAT FISCAL YEAR, SUCH ADDITIONAL SALES

1 TAX SHALL BE IMPOSED:

2 (I) IF SUCH ESTIMATE IS MADE IN JUNE OF THE CALENDAR YEAR IN  
3 WHICH THE ELECTION AUTHORIZING AN ADDITIONAL SALES TAX IS HELD,  
4 FOR THE PERIOD FROM JANUARY 1 OF THE CALENDAR YEAR IMMEDIATELY  
5 SUBSEQUENT TO SUCH ELECTION THROUGH JUNE 30 OF SUCH CALENDAR  
6 YEAR; OR

7 (II) IF THE ELECTION AUTHORIZING AN ADDITIONAL SALES TAX IS  
8 HELD PRIOR TO ANY SUCH ESTIMATE, FOR THE PERIOD FROM JULY 1 OF THE  
9 CALENDAR YEAR DURING WHICH SUCH FISCAL YEAR ENDED THROUGH JUNE  
10 30 OF THE CALENDAR YEAR IMMEDIATELY SUBSEQUENT TO THE CALENDAR  
11 YEAR IN WHICH SUCH FISCAL YEAR ENDED.

12 (b) IF FOR ANY FISCAL YEAR COMMENCING ON OR AFTER JULY 1,  
13 2000, THE AGGREGATE AMOUNT OF STATE REVENUES DOES NOT EXCEED  
14 THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20  
15 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION, NO ADDITIONAL SALES  
16 TAX SHALL BE IMPOSED:

17 (I) FOR THE PERIOD FROM JANUARY 1 FOLLOWING AN ELECTION  
18 AUTHORIZING THE ADDITIONAL INCREMENT OF SALES TAX THAT IS HELD IN  
19 THE CALENDAR YEAR IN WHICH SUCH FISCAL YEAR ENDED THROUGH JUNE  
20 30 OF SUCH CALENDAR YEAR; OR

21 (II) FOR THE PERIOD FROM JULY 1 OF THE CALENDAR YEAR IN  
22 WHICH SUCH FISCAL YEAR ENDED IF THE ELECTION AUTHORIZING AN  
23 ADDITIONAL SALES TAX WAS HELD PRIOR TO THE END OF SUCH FISCAL YEAR  
24 THROUGH JUNE 30 OF THE CALENDAR YEAR IMMEDIATELY SUBSEQUENT TO  
25 THE CALENDAR YEAR IN WHICH SUCH FISCAL YEAR ENDED.

26 (7) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
27 CONTRARY, NO ADDITIONAL SALES TAX SHALL BE IMPOSED PURSUANT TO

1 THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION FOLLOWING THE  
2 EXPIRATION OF THE INTERGOVERNMENTAL AGREEMENT TO WHICH THE  
3 COUNTY OR THE CITY OR TOWN IMPOSING SUCH ADDITIONAL SALES TAX IS  
4 A PARTY.

5 (8) NOT LESS THAN TEN DAYS FOLLOWING THE ELECTION  
6 AUTHORIZING AN ADDITIONAL COUNTYWIDE SALES TAX OR CITY OR TOWN  
7 SALES TAX, THE COUNTY OR THE CITY OR TOWN FOR WHICH SUCH  
8 ADDITIONAL SALES TAX IS AUTHORIZED SHALL NOTIFY THE EXECUTIVE  
9 DIRECTOR OF THE DEPARTMENT OF REVENUE FOR PURPOSES OF  
10 IMPLEMENTING THE TEMPORARY STATE SALES AND USE TAX RATE  
11 REDUCTION DESCRIBED IN SECTION 39-26-127, C.R.S. SUCH NOTICE SHALL  
12 INCLUDE THE RATE OF THE ADDITIONAL SALES TAX AND THE EXPIRATION  
13 DATE OF THE INTERGOVERNMENTAL AGREEMENT ENTERED INTO BY SUCH  
14 COUNTY OR SUCH CITY OR TOWN PURSUANT TO SECTION 29-1-1304.

15 **29-1-1304. Intergovernmental agreements - purpose - necessary**  
16 **parties.** (1) (a) ANY COMBINATION OF GOVERNMENTAL ENTITIES IN THE  
17 STATE, WHERE AT LEAST ONE ENTITY IS A GROWTH COUNTY AND ONE  
18 ENTITY IS A COUNTY ADJOINING SUCH GROWTH COUNTY AND WHERE AT  
19 LEAST ONE CITY OR TOWN LOCATED IN EACH OF SAID COUNTIES IS A  
20 PARTICIPANT, MAY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT  
21 PURSUANT TO PART 2 OF THIS ARTICLE FOR UP TO FIVE YEARS FOR THE  
22 PURPOSE OF IMPLEMENTING A PLAN TO RELIEVE FINANCIAL PRESSURES AND  
23 FACILITATE THE PROVISION OF CERTAIN SERVICES IN REGIONS WHERE THE  
24 IMPACTS OF GROWTH CROSS LOCAL GOVERNMENTAL BOUNDARIES. AN  
25 INTERGOVERNMENTAL AGREEMENT ENTERED INTO IN ACCORDANCE WITH  
26 THIS PART 13 SHALL BE SUBMITTED TO THE EXECUTIVE DIRECTOR AND  
27 SHALL NOT BE EFFECTIVE UNLESS AND UNTIL THE EXECUTIVE DIRECTOR

1 HAS CERTIFIED THAT THE ENTITIES ARE QUALIFIED TO ENTER INTO SUCH AN  
2 AGREEMENT PURSUANT TO SECTION 29-1-1305 (1).

3 (b) EACH INTERGOVERNMENTAL AGREEMENT SUBMITTED TO THE  
4 EXECUTIVE DIRECTOR PURSUANT TO THIS SUBSECTION (1) SHALL BE  
5 ACCOMPANIED BY A FILING OR SERVICE FEE ESTABLISHED BY THE  
6 EXECUTIVE DIRECTOR FOR THE PURPOSE OF COVERING THE REASONABLE  
7 AND NECESSARY EXPENSE TO THE DEPARTMENT OF LOCAL AFFAIRS  
8 ATTRIBUTABLE TO ADMINISTERING THIS PART 13. MONEYS IN THE LOCAL  
9 GROWTH IMPACT FUND ESTABLISHED PURSUANT TO SUCH AN AGREEMENT  
10 MAY BE UTILIZED TO PAY OR TO REIMBURSE THE PARTIES TO THE  
11 AGREEMENT FOR PAYMENT OF SUCH FEE. ALL FEES COLLECTED PURSUANT  
12 TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER WHO  
13 SHALL CREDIT THE SAME TO THE LOCAL GOVERNMENT GROWTH  
14 ASSISTANCE FUND CREATED IN SECTION 29-1-1308.

15 (2) THE INTERGOVERNMENTAL AGREEMENT SHALL:

16 (a) ESTABLISH A METHOD FOR ALLOCATING MONEYS IN A LOCAL  
17 GROWTH IMPACT FUND TO ONE OR MORE OF THE GOVERNMENTAL ENTITIES  
18 THAT ARE PARTIES TO THE AGREEMENT AS PART OF THE PLAN TO ADDRESS  
19 THE IMPACTS OF GROWTH IN THE FOLLOWING AREAS:

- 20 (I) AFFORDABLE HOUSING;
- 21 (II) SOCIAL IMPACTS OF EMPLOYEE COMMUTING PATTERNS;
- 22 (III) TRANSPORTATION; AND
- 23 (IV) PUBLIC SERVICES AND FACILITIES RELATED THERETO;

24 (b) IF THE PARTIES TO THE AGREEMENT ANTICIPATE MAKING AN  
25 APPLICATION FOR A GRANT OR LOAN PURSUANT TO SECTION 29-1-1306,  
26 SPECIFY THE TOTAL AMOUNT OF THE MATCHING FUNDS REQUIRED BY  
27 SECTION 29-1-1306 (3) AND THE AMOUNT OF SUCH FUNDS FOR WHICH ONE

1 OR MORE OF THE PARTIES TO THE AGREEMENT IS OBLIGATED;

2 (c) SPECIFY WHETHER ANY COUNTY OR ANY CITY OR TOWN THAT  
3 IS A PARTY TO THE AGREEMENT INTENDS TO LEVY AN ADDITIONAL SALES  
4 TAX PURSUANT TO SECTION 29-1-1303 AND, IF SO, THE ESTIMATED AMOUNT  
5 OF ADDITIONAL SALES TAX REVENUES TO BE DERIVED ANNUALLY FROM  
6 SUCH ADDITIONAL SALES TAX; AND

7 (d) CONTAIN PROVISIONS CONCERNING THE TREATMENT OF ANY  
8 UNEXPENDED MONEYS IN THE LOCAL FUND FOR PURPOSES OF THE FISCAL  
9 YEAR SPENDING LIMITS SET FORTH IN SECTION 20 (7) OF ARTICLE X OF THE  
10 STATE CONSTITUTION; AND

11 (e) (I) CREATE A REGIONAL PLANNING COMMISSION PURSUANT TO  
12 SECTION 30-28-105, C.R.S., FOR THE REGION WITHIN THE JURISDICTIONS  
13 OF THE GOVERNMENTAL ENTITIES THAT ARE PARTIES TO THE AGREEMENT  
14 FOR THE PURPOSE OF MAKING A REGIONAL MASTER PLAN PURSUANT TO  
15 SECTION 30-28-106, C.R.S., THAT SHALL BE ADOPTED BY THE REGIONAL  
16 PLANNING COMMISSION AND EACH OF THE PARTIES TO THE AGREEMENT  
17 UNLESS:

18 (A) SUCH A REGIONAL MASTER PLAN HAS BEEN PREVIOUSLY  
19 ADOPTED BY THE PARTIES TO THE AGREEMENT; OR

20 (B) EACH GOVERNMENTAL ENTITY THAT IS A PARTY TO THE  
21 AGREEMENT HAS ADOPTED A COMPREHENSIVE OR MASTER PLAN COVERING  
22 THE AREA WITHIN ITS OWN TERRITORIAL BOUNDARIES THAT IS  
23 COORDINATED WITH AND COMPATIBLE WITH THE PLAN OF EACH OF THE  
24 OTHER GOVERNMENTAL ENTITIES THAT ARE PARTIES TO THE AGREEMENT.

25 (II) MONEYS IN THE LOCAL FUND ESTABLISHED PURSUANT TO SUCH  
26 AN AGREEMENT SHALL BE UTILIZED TO PAY FOR THE COST OF PREPARING  
27 THE REGIONAL PLAN PURSUANT TO THIS PARAGRAPH (e).

1 (3) FOR PURPOSES OF THIS PART 13, A GROWTH COUNTY IS A  
2 COUNTY IN WHICH THE PER CAPITA REVENUE, BASED ON THE MOST RECENT  
3 REVENUE FIGURES AVAILABLE, IS GREATER THAN THE PER CAPITA REVENUE  
4 STATEWIDE DURING THE SAME PERIOD.

5 (4) NOTHING IN THIS PART 13 SHALL BE CONSTRUED TO PROHIBIT:

6 (a) GOVERNMENTAL ENTITIES OTHER THAN GROWTH COUNTIES  
7 FROM PARTICIPATING AS ADDITIONAL PARTIES TO THE  
8 INTERGOVERNMENTAL AGREEMENTS DESCRIBED IN THIS SECTION; OR

9 (b) GOVERNMENTAL ENTITIES FROM ENTERING INTO SEPARATE  
10 AGREEMENTS CONCERNING THE ALLOCATION AND USE OF LOCALLY  
11 IMPOSED TAXES IF SUCH AGREEMENTS ARE OTHERWISE IN ACCORDANCE  
12 WITH LAW.

13 **29-1-1305. Certification of intergovernmental agreements by**  
14 **the department of local affairs.** (1) NO LATER THAN OCTOBER 1 OF  
15 EACH YEAR, FOR EACH INTERGOVERNMENTAL AGREEMENT ENTERED INTO  
16 AND SUBMITTED PURSUANT TO THIS PART 13, THE EXECUTIVE DIRECTOR  
17 SHALL CERTIFY WHETHER THERE IS AT LEAST ONE GROWTH COUNTY AND  
18 ONE COUNTY ADJOINING SUCH GROWTH COUNTY PARTICIPATING IN THE  
19 AGREEMENT AND WHETHER THERE IS AT LEAST ONE PARTICIPATING CITY OR  
20 TOWN IN EACH OF SAID COUNTIES AS A MEANS OF DETERMINING WHETHER  
21 THE ENTITIES THAT HAVE ENTERED INTO THE AGREEMENT ARE QUALIFIED  
22 TO DO SO.

23 (2) IF THE EXECUTIVE DIRECTOR CERTIFIES THAT THE PARTIES TO AN  
24 INTERGOVERNMENTAL AGREEMENT ARE QUALIFIED TO ENTER INTO SUCH AN  
25 AGREEMENT PURSUANT TO THIS PART 13, THE AGREEMENT SHALL BE  
26 DEEMED APPROVED, AND THE EXECUTIVE DIRECTOR SHALL NOTIFY THE  
27 GOVERNING BOARDS OF THE PARTICIPATING ENTITIES OF SUCH APPROVAL.

1 IN ADDITION, THE EXECUTIVE DIRECTOR SHALL DETERMINE, BASED ON THE  
2 MOST RECENT FIGURES AVAILABLE, THE AMOUNT OF EXCESS PER CAPITA  
3 REVENUE AND THE POPULATION OF EACH GROWTH COUNTY THAT IS A  
4 PARTY TO THE INTERGOVERNMENTAL AGREEMENT. THE EXECUTIVE  
5 DIRECTOR SHALL UPDATE THIS INFORMATION ANNUALLY FOR AS LONG AS  
6 THE AGREEMENT IS IN EFFECT, BUT NOTHING IN THIS SECTION SHALL BE  
7 CONSTRUED TO AUTHORIZE THE EXECUTIVE DIRECTOR TO REQUIRE THAT  
8 THE PARTIES TO AN APPROVED AGREEMENT BE RECERTIFIED PURSUANT TO  
9 THIS SECTION.

10 (3) (a) NOTWITHSTANDING ANY PROVISION OF THIS PART 13 TO THE  
11 CONTRARY, AND EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS  
12 SUBSECTION (3), THE EXECUTIVE DIRECTOR SHALL NOT APPROVE MORE  
13 THAN TWENTY INTERGOVERNMENTAL AGREEMENTS THAT CONTAIN A  
14 PROVISION AUTHORIZING A COUNTY OR A CITY OR TOWN THAT IS A PARTY  
15 TO THE AGREEMENT TO LEVY AN ADDITIONAL SALES TAX PURSUANT TO  
16 SECTION 29-1-1303.

17 (b) PRIOR TO APPROVING AN INTERGOVERNMENTAL AGREEMENT  
18 THAT CONTAINS A PROVISION FOR A COUNTY OR A CITY OR TOWN THAT IS  
19 A PARTY TO THE AGREEMENT TO LEVY AN ADDITIONAL SALES TAX  
20 PURSUANT TO SECTION 29-1-1303, THE EXECUTIVE DIRECTOR, IN  
21 CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
22 REVENUE, SHALL DETERMINE THE REDUCTION IN STATE REVENUE THAT  
23 WOULD BE ATTRIBUTABLE TO A TEMPORARY REDUCTION OF STATE SALES  
24 TAX PURSUANT TO SECTION 39-26-127 (2), C.R.S., THAT IS IMPOSED IN  
25 SUCH COUNTY, CITY, OR TOWN AUTHORIZING SUCH ADDITIONAL SALES TAX.  
26 THE EXECUTIVE DIRECTOR SHALL NOT APPROVE SUCH AN AGREEMENT IF  
27 THE SUM OF THE AMOUNT OF THE REDUCTION IN STATE REVENUE

1 ATTRIBUTABLE TO SUCH AGREEMENT AND THE AGGREGATE AMOUNT OF THE  
2 REDUCTION IN STATE REVENUE ATTRIBUTABLE TO ALL OTHER PREVIOUSLY  
3 APPROVED INTERGOVERNMENTAL AGREEMENTS WOULD EXCEED FORTY  
4 MILLION DOLLARS IN ANY STATE FISCAL YEAR

5 **29-1-1306. Grants and loans to growth-impacted regions -**  
6 **authority of executive director - application procedures.** (1) NO LATER  
7 THAN NOVEMBER 1 OF EACH YEAR, THE PARTIES TO AN  
8 INTERGOVERNMENTAL AGREEMENT ENTERED INTO IN ACCORDANCE WITH  
9 THIS PART 13 MAY APPLY TO THE EXECUTIVE DIRECTOR FOR A GRANT OR  
10 LOAN OR BOTH FROM THE LOCAL GOVERNMENT GROWTH ASSISTANCE FUND  
11 CREATED IN SECTION 29-1-1308 (1).

12 (2) SUBJECT TO THE REQUIREMENTS CONTAINED IN SUBSECTION (3)  
13 OF THIS SECTION, UPON RECEIVING RECOMMENDATIONS FROM THE  
14 ADVISORY COMMITTEE REGARDING ANY APPLICATION FOR A GRANT OR  
15 LOAN, THE EXECUTIVE DIRECTOR MAY AWARD, IN THE EXECUTIVE  
16 DIRECTOR'S DISCRETION, A GRANT OR LOAN OR BOTH IN SUCH AMOUNT AND  
17 UNDER SUCH CONDITIONS AS THE EXECUTIVE DIRECTOR DETERMINES TO BE  
18 APPROPRIATE.

19 (3) (a) NO GRANT SHALL BE AWARDED OR LOAN MADE UNDER THIS  
20 SECTION UNLESS THE PARTIES TO THE INTERGOVERNMENTAL AGREEMENT  
21 PROVIDE MATCHING FUNDS IN THE AMOUNT OF THE GRANT TO BE AWARDED  
22 OR THE LOAN TO BE MADE THAT HAVE BEEN CREDITED TO THE LOCAL FUND  
23 PURSUANT TO SUCH AGREEMENT.

24 (b) NO GRANT AWARDED OR LOAN MADE IN ANY GIVEN YEAR BY  
25 THE EXECUTIVE DIRECTOR TO THE PARTIES TO AN APPROVED AGREEMENT  
26 SHALL EXCEED AN AMOUNT EQUAL TO THE TOTAL OF FIFTY PERCENT OF THE  
27 PRODUCT OF THE EXCESS PER CAPITA REVENUE AND THE POPULATION,

1       BASED ON THE MOST RECENT FIGURES AVAILABLE, OF EACH GROWTH  
2       COUNTY THAT IS A PARTY TO THE AGREEMENT.

3               (c) THE TOTAL AMOUNT OF GRANTS AWARDED OR LOANS MADE, OR  
4       BOTH, DURING ANY GIVEN STATE FISCAL YEAR SHALL NOT EXCEED THE  
5       AMOUNT OF REVENUES IN THE LOCAL GOVERNMENT GROWTH ASSISTANCE  
6       FUND CREATED IN SECTION 29-1-1308 (1).

7               (4) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ANY GRANTS  
8       AWARDED OR LOANS MADE PURSUANT TO THIS PART 13 BE IN ADDITION TO,  
9       AND NOT A SUBSTITUTE FOR, FUNDS OTHERWISE APPROPRIATED TO OR FOR  
10      THE BENEFIT OF THE PARTICIPATING GOVERNMENTAL ENTITIES.

11              (5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE  
12      THE PARTICIPATING GOVERNMENTAL ENTITIES TO APPLY FOR A GRANT OR  
13      A LOAN FROM THE LOCAL GOVERNMENT GROWTH ASSISTANCE FUND  
14      CREATED IN SECTION 29-1-1308 (1).

15              **29-1-1307. Local government growth assistance advisory**  
16      **committee - creation - duties.** (1) THERE IS HEREBY CREATED WITHIN  
17      THE DEPARTMENT OF LOCAL AFFAIRS A LOCAL GOVERNMENT GROWTH  
18      ASSISTANCE ADVISORY COMMITTEE. THE ADVISORY COMMITTEE SHALL BE  
19      COMPOSED OF THE FOLLOWING NINE MEMBERS:

20              (a) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S  
21      DESIGNEE;

22              (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN  
23      SERVICES OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

24              (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
25      TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

26              (d) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE OR  
27      THE EXECUTIVE DIRECTOR'S DESIGNEE;

1 (e) THE STATE DIRECTOR OF HOUSING OR THE STATE DIRECTOR'S  
2 DESIGNEE;

3 (f) TWO MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR WHO  
4 ARE RESIDENTS OF A GROWTH COUNTY AND WHO SERVE AT THE PLEASURE  
5 OF THE EXECUTIVE DIRECTOR; EXCEPT THAT SAID MEMBERS SHALL NOT BE  
6 FROM THE SAME COUNTY; AND

7 (g) TWO MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR WHO  
8 ARE RESIDENTS OF A COUNTY THAT IS NOT A GROWTH COUNTY AND WHO  
9 SERVE AT THE PLEASURE OF THE EXECUTIVE DIRECTOR; EXCEPT THAT SAID  
10 MEMBERS SHALL NOT BE FROM THE SAME COUNTY.

11 (2) ONE OF THE MEMBERS INITIALLY APPOINTED PURSUANT TO  
12 PARAGRAPH (f) OF SUBSECTION (1) OF THIS SECTION AND ONE OF THE  
13 MEMBERS INITIALLY APPOINTED PURSUANT TO PARAGRAPH (g) OF  
14 SUBSECTION (1) OF THIS SECTION SHALL SERVE A TERM OF TWO YEARS.  
15 THE REMAINING MEMBER INITIALLY APPOINTED PURSUANT TO PARAGRAPH  
16 (f) OF SUBSECTION (1) OF THIS SECTION AND THE REMAINING MEMBER  
17 INITIALLY APPOINTED PURSUANT TO PARAGRAPH (g) OF SUBSECTION (1) OF  
18 THIS SECTION SHALL SERVE A TERM OF FOUR YEARS. ALL MEMBERS  
19 SUBSEQUENTLY APPOINTED PURSUANT TO PARAGRAPHS (f) AND (g) OF  
20 SUBSECTION (1) OF THIS SECTION SHALL SERVE TERMS OF FOUR YEARS, BUT  
21 NO MEMBER SHALL SERVE MORE THAN TWO CONSECUTIVE FOUR-YEAR  
22 TERMS.

23 (3) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S  
24 DESIGNEE SHALL SERVE AS THE CHAIRPERSON OF THE ADVISORY  
25 COMMITTEE AND SHALL CONVENE THE COMMITTEE FROM TIME TO TIME AS  
26 THE EXECUTIVE DIRECTOR DEEMS NECESSARY.

27 (4) THE COMMITTEE SHALL HAVE THE FOLLOWING DUTIES:

1 (a) TO ESTABLISH A STANDARDIZED METHODOLOGY AND CRITERIA  
2 FOR DOCUMENTING, MEASURING, ASSESSING, AND REPORTING THE IMPACT  
3 OF GROWTH UPON PARTIES TO APPROVED INTERGOVERNMENTAL  
4 AGREEMENTS;

5 (b) TO ESTABLISH CRITERIA FOR AWARDING GRANTS AND MAKING  
6 LOANS, INCLUDING BUT NOT LIMITED TO PROCEDURES, POLICIES, OR  
7 REQUIREMENTS FOR APPLICATIONS FOR GRANTS AND LOANS AND FOR THE  
8 AWARDING OF GRANTS AND THE MAKING OF LOANS;

9 (c) TO PRIORITIZE APPLICATIONS FOR GRANTS AND LOANS BY  
10 PARTIES TO APPROVED INTERGOVERNMENTAL AGREEMENTS BASED UPON  
11 THE NEEDS OF THE PARTIES, THE DOCUMENTED IMPACTS OF GROWTH ON  
12 THE PARTIES, AND THE POPULATION OF EACH GROWTH COUNTY THAT IS A  
13 PARTY TO AN INTERGOVERNMENTAL AGREEMENT BASED UPON THE MOST  
14 RECENT DATA AVAILABLE;

15 (d) TO MAKE RECOMMENDATIONS REGARDING GRANT AND LOAN  
16 APPLICATIONS, INCLUDING ANY CONDITIONS TO BE IMPOSED, TO BE  
17 CONSIDERED BY THE EXECUTIVE DIRECTOR IN AWARDING GRANTS AND  
18 MAKING LOANS TO PARTIES OF APPROVED INTERGOVERNMENTAL  
19 AGREEMENTS PURSUANT TO SECTION 29-1-1306 (2).

20 **29-1-1308. Local government growth assistance fund - creation.**

21 (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE LOCAL  
22 GOVERNMENT GROWTH ASSISTANCE FUND. SAID FUND SHALL CONSIST OF:

23 (a) ALL REVENUES APPROPRIATED TO THE FUND BY THE GENERAL  
24 ASSEMBLY;

25 (b) ALL FEES COLLECTED PURSUANT TO SECTION 29-1-1304 (1) (b);

26 (c) ALL REVENUES RECEIVED BY THE EXECUTIVE DIRECTOR FOR THE  
27 REPAYMENT OF LOANS MADE PURSUANT TO THIS PART 13; AND

1 (d) ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF  
2 THE REVENUES IN THE FUND.

3 (2) ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF  
4 MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF  
5 ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE  
6 FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR  
7 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. THE MONEYS  
8 IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
9 ASSEMBLY TO THE DEPARTMENT OF LOCAL AFFAIRS FOR THE DEPARTMENT'S  
10 COSTS OF ADMINISTERING THE LOCAL GOVERNMENT GROWTH ASSISTANCE  
11 PROGRAM AND FOR AWARDING GRANTS AND MAKING LOANS TO PARTIES OF  
12 APPROVED INTERGOVERNMENTAL AGREEMENTS PURSUANT TO THIS PART  
13 13.

14 **29-1-1309. Local growth impact funds - creation - boards of**  
15 **trustees - reports - management - use.** (1) WHEN AN  
16 INTERGOVERNMENTAL AGREEMENT HAS BEEN APPROVED PURSUANT TO  
17 THIS PART 13, A BOARD OF TRUSTEES REPRESENTING THE PARTIES TO THE  
18 AGREEMENT SHALL BE CREATED AND THE BOARD OF TRUSTEES SHALL  
19 ESTABLISH A LOCAL GROWTH IMPACT FUND.

20 (2) THE BOARD OF TRUSTEES SHALL CONSIST OF NOT MORE THAN  
21 THREE MEMBERS OF THE GOVERNING BOARD OF EACH ENTITY THAT IS A  
22 PARTY TO THE INTERGOVERNMENTAL AGREEMENT WHO SHALL BE  
23 APPOINTED BY THE GOVERNING BOARD OF EACH RESPECTIVE  
24 GOVERNMENTAL ENTITY. IN ADDITION TO ANY OTHER DUTIES, EACH BOARD  
25 OF TRUSTEES SHALL PREPARE AND SUBMIT AN ANNUAL REPORT OF THE  
26 CONDITION OF ITS LOCAL FUND TO THE EXECUTIVE DIRECTOR NO LATER  
27 THAN OCTOBER 1 OF EACH YEAR. SUCH REPORT SHALL INCLUDE THE

1 CURRENT LOCAL FUND BALANCE AND INFORMATION CONCERNING THE  
2 AMOUNT OF MONEY EXPENDED FROM THE LOCAL FUND PURSUANT TO THE  
3 INTERGOVERNMENTAL AGREEMENT AND FOR THE REPAYMENT OF ANY  
4 LOANS RECEIVED PURSUANT TO THIS PART 13 FOR THE PRECEDING YEAR.

5 (3) (a) THE LOCAL FUND SHALL CONSIST OF:

6 (I) ANY MONEYS AWARDED OR LOANED TO THE PARTIES TO THE  
7 INTERGOVERNMENTAL AGREEMENT PURSUANT TO SECTION 29-1-1306(2);

8 (II) ANY REVENUES DERIVED FROM AN ADDITIONAL SALES TAX  
9 IMPOSED PURSUANT TO SECTION 29-1-1303; AND

10 (III) ANY OTHER MONEYS CREDITED TO THE LOCAL FUND PURSUANT  
11 TO THE INTERGOVERNMENTAL AGREEMENT.

12 (b) MONEYS IN THE LOCAL FUND SHALL BE USED IN THE MANNER  
13 PROVIDED IN THIS PART 13. THE LOCAL FUND SHALL BE MANAGED AND  
14 DISBURSED BY THE BOARD OF TRUSTEES ACCORDING TO THE PROVISIONS OF  
15 THIS PART 13 AND PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S., AND THE  
16 TERMS OF THE INTERGOVERNMENTAL AGREEMENT IN CONFORMITY WITH  
17 ANY RULES OR BYLAWS ADOPTED BY THE BOARD OF TRUSTEES. THE BOARD  
18 OF TRUSTEES IS VESTED WITH THE GENERAL SUPERVISION AND CONTROL OF  
19 THE LOCAL FUND AND IS AUTHORIZED TO TAKE ALL NECESSARY STEPS AND  
20 PURSUE ALL NECESSARY REMEDIES FOR ITS PRESERVATION.

21 (4) FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE  
22 CONSTITUTION, THE BOARD OF TRUSTEES OF A LOCAL FUND SHALL NOT BE  
23 A DISTRICT BUT SHALL BE CONSIDERED AN INSTRUMENTALITY OF THE  
24 GOVERNMENTAL ENTITIES THAT ARE PARTIES TO THE AGREEMENT, AND ANY  
25 MONEYS DISTRIBUTED FROM A LOCAL FUND SHALL BE TREATED AS FISCAL  
26 YEAR SPENDING BY THE ENTITY THAT RECEIVES THE MONEYS AND MAKES  
27 EXPENDITURES THEREOF UNLESS SUCH ENTITY HAS OBTAINED A

1 VOTER-APPROVED REVENUE CHANGE TO EXCLUDE SUCH MONEYS FROM  
2 FISCAL YEAR SPENDING. THE TREATMENT OF ANY MONEYS REMAINING IN  
3 A LOCAL FUND AT THE CLOSE OF THE STATE FISCAL YEAR SHALL BE  
4 DETERMINED BY THE PARTIES PURSUANT TO THE TERMS OF THEIR  
5 INTERGOVERNMENTAL AGREEMENT.

6 (5) MONEYS DISTRIBUTED FROM A LOCAL FUND TO A SCHOOL  
7 DISTRICT MAY BE USED ONLY FOR CAPITAL CONSTRUCTION AND LAND  
8 ACQUISITION AND MAY NOT BE USED FOR ANY OPERATIONAL PURPOSE.

9 **29-1-1310. Annual review - report.** NO LATER THAN JANUARY  
10 15, 2002, AND EACH JANUARY 15 THEREAFTER, THE EXECUTIVE DIRECTOR  
11 SHALL SUBMIT A REPORT TO THE GOVERNOR AND THE LOCAL GOVERNMENT  
12 COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES  
13 CONCERNING THE STATUS OF ALL INTERGOVERNMENTAL AGREEMENTS  
14 ENTERED INTO PURSUANT TO THIS PART 13. THIS REPORT SHALL INCLUDE  
15 A STATEMENT OF THE AMOUNT OF ALL GRANTS AWARDED AND LOANS MADE  
16 TO PARTIES OF SUCH AGREEMENTS, THE AMOUNT OF MONEY EXPENDED  
17 PURSUANT TO EACH AGREEMENT, AND WHETHER THE AGREEMENT IS STILL  
18 IN EFFECT. IN ADDITION, THE REPORT SHALL INCLUDE INFORMATION ON  
19 THE CURRENT BALANCE AND TOTAL RECEIPTS OF ALL LOCAL FUNDS  
20 CREATED BY INTERGOVERNMENTAL AGREEMENTS PURSUANT TO THIS PART  
21 13. THE REPORT MAY INCLUDE SUCH OTHER INFORMATION AS THE  
22 EXECUTIVE DIRECTOR DEEMS APPROPRIATE.

23 **29-1-1311. Rules.** THE EXECUTIVE DIRECTOR IS AUTHORIZED TO  
24 PROMULGATE RULES FOR THE IMPLEMENTATION OF THIS PART 13. SUCH  
25 RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE  
26 24, C.R.S.

27 **SECTION 2.** 29-2-108, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

2 **29-2-108. Limitation on amount.** (6) ANY ADDITIONAL SALES  
3 TAX THAT MAY BE IMPOSED BY ANY COUNTY OR BY ANY CITY OR TOWN  
4 PURSUANT TO THE PROVISIONS OF SECTION 29-1-1303 SHALL BE EXEMPT  
5 FROM THE SIX AND NINETY ONE-HUNDREDTHS PERCENT LIMITATION  
6 IMPOSED BY SUBSECTION (1) OF THIS SECTION.

7 **SECTION 3.** Part 1 of article 26 of title 39, Colorado Revised  
8 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

9 **39-26-127. Fiscal years commencing on or after July 1, 2000 -**  
10 **temporary state sales tax reduction - authority of executive director.**

11 (1) FOR ANY FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2000, IF THE  
12 REVENUE ESTIMATE PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL  
13 IN JUNE OF THE CALENDAR YEAR IN WHICH THAT FISCAL YEAR ENDS  
14 INDICATES THAT THE AGGREGATE AMOUNT OF STATE REVENUES WILL  
15 EXCEED THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY  
16 SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THE  
17 FISCAL YEAR ENDING IN THAT CALENDAR YEAR AND VOTERS STATEWIDE  
18 EITHER HAVE NOT AUTHORIZED THE STATE TO RETAIN AND SPEND ALL OF  
19 THE EXCESS REVENUES FOR THAT FISCAL YEAR OR HAVE AUTHORIZED THE  
20 STATE TO RETAIN AND SPEND ONLY A PORTION OF THE EXCESS REVENUES  
21 FOR THAT FISCAL YEAR, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
22 REVENUE SHALL TEMPORARILY REDUCE THE STATE SALES TAX IMPOSED  
23 PURSUANT TO SECTION 39-26-104 AS PROVIDED IN SUBSECTION (2) OF THIS  
24 SECTION.

25 (2) (a) IF THE REVENUE ESTIMATE DESCRIBED IN SUBSECTION (1) OF  
26 THIS SECTION IS MADE IN JUNE OF A CALENDAR YEAR IN WHICH AN  
27 ELECTION IS HELD AUTHORIZING A SALES TAX INCREASE PURSUANT TO

1 SECTION 29-1-1303, C.R.S., THE EXECUTIVE DIRECTOR SHALL  
2 TEMPORARILY REDUCE THE STATE SALES TAX IMPOSED PURSUANT TO  
3 SECTION 39-26-104 IN A COUNTY OR THE CITY OR TOWN AUTHORIZING  
4 SUCH A SALES TAX INCREASE FOR THE PERIOD COMMENCING ON JANUARY  
5 1 OF THE CALENDAR YEAR IMMEDIATELY SUBSEQUENT TO SUCH ELECTION  
6 THROUGH JUNE 30 OF SUCH CALENDAR YEAR BY A PERCENTAGE EQUAL TO  
7 THE PERCENTAGE OF THE ADDITIONAL SALES TAX INCREASE AUTHORIZED  
8 IN SUCH COUNTY OR IN SUCH CITY OR TOWN.

9 (b) IF THE REVENUE ESTIMATE DESCRIBED IN SUBSECTION (1) OF  
10 THIS SECTION IS MADE IN JUNE OF A CALENDAR YEAR AFTER AN ELECTION  
11 IS HELD AUTHORIZING A SALES TAX INCREASE PURSUANT TO SECTION  
12 29-1-1303, C.R.S., THE EXECUTIVE DIRECTOR SHALL TEMPORARILY  
13 REDUCE THE STATE SALES TAX IMPOSED PURSUANT TO SECTION 39-26-104  
14 IN A COUNTY OR A CITY OR TOWN AUTHORIZING SUCH AN ADDITIONAL  
15 SALES TAX BY A PERCENTAGE EQUAL TO THE PERCENTAGE OF THE SALES  
16 TAX INCREASE AUTHORIZED IN SUCH COUNTY OR IN SUCH CITY OR TOWN  
17 FOR THE PERIOD COMMENCING JULY 1 OF THE CALENDAR YEAR DURING  
18 WHICH THAT FISCAL YEAR ENDED THROUGH JUNE 30 OF THE CALENDAR  
19 YEAR IMMEDIATELY SUBSEQUENT TO THE CALENDAR YEAR IN WHICH SUCH  
20 FISCAL YEAR ENDED.

21 (3) (a) ANY TEMPORARY STATE SALES TAX RATE REDUCTION  
22 PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE PUBLISHED IN  
23 RULES PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
24 OF REVENUE IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND  
25 SHALL BE INCLUDED IN SUCH NOTICES AND PUBLICATIONS AS ARE  
26 CUSTOMARILY ISSUED BY THE DEPARTMENT OF REVENUE CONCERNING THE  
27 STATE SALES TAX.

1 (b) IF ONE OR MORE BALLOT QUESTIONS THAT SEEK AUTHORIZATION  
2 FOR THE STATE TO RETAIN AND SPEND ALL OR ANY PORTION OF THE  
3 AMOUNT OF EXCESS REVENUES FOR THE IMMEDIATELY PRECEDING FISCAL  
4 YEAR ARE SUBMITTED TO THE VOTERS AT A STATEWIDE ELECTION TO BE  
5 HELD IN NOVEMBER OF ANY CALENDAR YEAR COMMENCING ON OR AFTER  
6 JANUARY 1, 2001, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
7 REVENUE SHALL NOT PUBLISH RULES CONTAINING THE AMOUNT OF ANY  
8 STATE SALES TAX RATE REDUCTION PURSUANT TO THIS SECTION UNTIL SUCH  
9 RULES ARE ABLE TO REFLECT THE IMPACT OF THE RESULTS OF SUCH  
10 ELECTION ON THE STATE SALES TAX RATE REDUCTION PURSUANT TO THIS  
11 SECTION.

12 (4) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT  
13 THE TEMPORARY STATE SALES TAX REDUCTION AUTHORIZED BY  
14 SUBSECTION (1) OF THIS SECTION IS A REASONABLE METHOD OF REFUNDING  
15 A PORTION OF THE EXCESS STATE REVENUES REQUIRED TO BE REFUNDED IN  
16 ACCORDANCE WITH SECTION 20 (7) (d) OF ARTICLE X OF THE STATE  
17 CONSTITUTION.

18 **SECTION 4. Effective date.** This act shall take effect at 12:01  
19 a.m. on the day following the expiration of the ninety-day period after  
20 final adjournment of the general assembly that is allowed for submitting  
21 a referendum petition pursuant to article V, section 1 (3) of the state  
22 constitution; except that, if a referendum petition is filed against this act  
23 or an item, section, or part of this act within such period, then the act,  
24 item, section, or part, if approved by the people, shall take effect on the  
25 date of the official declaration of the vote thereon by proclamation of the  
26 governor.