

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 16-0490.01 Ed DeCecco x4216

HOUSE BILL 16-1088

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HOUSE SPONSORSHIP

Dore,

SENATE SPONSORSHIP

Roberts,

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House Committees

Local Government

Senate Committees

Local Government

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A BILL FOR AN ACT

101 CONCERNING THE AUTHORIZATION FOR A FIRE PROTECTION DISTRICT  
102 TO IMPOSE AN IMPACT FEE ON NEW DEVELOPMENT, AND, IN  
103 CONNECTION THEREWITH, ENACTING THE "PUBLIC SAFETY  
104 FAIRNESS ACT".

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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/bills summaries>.)*

The bill authorizes the board of a fire protection district to impose an impact fee on the construction of new buildings, structures, facilities, or improvements, including oil and gas wells, on previously improved or

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 2nd Reading  
March 31, 2016

HOUSE  
3rd Reading Unamended  
March 22, 2016

HOUSE  
Amended 2nd Reading  
March 21, 2016

on unimproved real property, if the impact fee is:

- ! Reasonably related to the overall cost of the fire protection district's services; and
- ! Imposed in accordance with a fee schedule that is legislatively adopted by the board and that applies to all construction of new buildings, structures, facilities, or improvements.

At least 60 days before imposing the impact fee, a district shall notify in writing overlapping municipalities and counties of their right to comment on the district imposing impact fees.

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

**SECTION 1. Short title.** The short title of this act is the "Public Safety Fairness Act".

**SECTION 2.** In Colorado Revised Statutes, 29-20-103, **add** (1.3) as follows:

**29-20-103. Definitions.** As used in this article, unless the context otherwise requires:

(1.3) "FIRE AND EMERGENCY SERVICES PROVIDER" MEANS A FIRE PROTECTION DISTRICT ORGANIZED UNDER ARTICLE 1 OF TITLE 32, C.R.S., OR A FIRE AUTHORITY ESTABLISHED PURSUANT TO SECTION 29-1-203.5.

**SECTION 3.** In Colorado Revised Statutes, 29-20-104.5, **amend** (1) introductory portion, (2), (3), (4) (a), and (4) (c) as follows:

**29-20-104.5. Impact fees - definition.** (1) Pursuant to the authority granted in section 29-20-104 (1) (g) and as a condition of issuance of a development permit, a local government may impose an impact fee or other similar development charge to fund expenditures by such local government OR A FIRE AND EMERGENCY SERVICES PROVIDER THAT PROVIDES FIRE PROTECTION, RESCUE, AND EMERGENCY SERVICES IN THE NEW DEVELOPMENT on capital facilities needed to serve new development. No impact fee or other similar development charge shall be

1 imposed except pursuant to a schedule that is:

2 (2) (a) A local government shall quantify the reasonable impacts  
3 of proposed development on existing capital facilities and establish the  
4 impact fee or development charge at a level no greater than necessary to  
5 defray such impacts directly related to proposed development. No impact  
6 fee or other similar development charge shall be imposed to remedy any  
7 deficiency in capital facilities that exists without regard to the proposed  
8 development.

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10 (b) A LOCAL GOVERNMENT SHALL CONFER WITH ANY FIRE AND  
11 EMERGENCY SERVICES PROVIDER THAT PROVIDES FIRE PROTECTION,  
12 RESCUE, AND EMERGENCY MEDICAL SERVICES IN A NEW DEVELOPMENT,  
13 TOGETHER WITH THE OWNER OR DEVELOPER OF THE DEVELOPMENT, TO  
14 ASSESS AND DETERMINE WHETHER THERE SHOULD BE AN IMPACT FEE OR  
15 OTHER SIMILAR DEVELOPMENT CHARGE IMPOSED TO DEFRAY THE IMPACTS  
16 TO THE FIRE AND EMERGENCY SERVICES PROVIDER.

17 (c) IF A LOCAL GOVERNMENT, IN ITS SOLE DISCRETION, ELECTS TO  
18 IMPOSE AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE TO  
19 FUND THE EXPENDITURES BY A FIRE AND EMERGENCY SERVICES PROVIDER  
20 FOR A CAPITAL FACILITY, THEN THE LOCAL GOVERNMENT AND FIRE AND  
21 EMERGENCY SERVICES PROVIDER SHALL ENTER INTO AN  
22 INTERGOVERNMENTAL AGREEMENT DEFINING THE IMPACT FEE OR OTHER  
23 SIMILAR DEVELOPMENT CHARGE AND THE DETAILS OF COLLECTION AND  
24 REMITTANCE.

25 (d) A LOCAL GOVERNMENT THAT IMPOSES AN IMPACT FEE OR  
26 OTHER SIMILAR DEVELOPMENT CHARGE TO FUND THE EXPENDITURES BY  
27 A FIRE AND EMERGENCY SERVICES PROVIDER FOR A CAPITAL FACILITY

1 SHALL PAY THE IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES  
2 COLLECTED TO THE FIRE PROTECTION AND EMERGENCY SERVICE  
3 PROVIDER.

4 (3) Any schedule of impact fees or other similar development  
5 charges adopted by a local government pursuant to this section shall  
6 include provisions to ensure that no individual landowner is required to  
7 provide any site specific dedication or improvement to meet the same  
8 need for capital facilities for which the impact fee or other similar  
9 development charge is imposed. A LOCAL GOVERNMENT SHALL NOT  
10 IMPOSE AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE ON AN  
11 INDIVIDUAL LANDOWNER TO FUND EXPENDITURES FOR A CAPITAL FACILITY  
12 USED TO PROVIDE FIRE, RESCUE, AND EMERGENCY SERVICES IF THE  
13 LANDOWNER IS ALREADY REQUIRED TO PAY AN IMPACT FEE OR OTHER  
14 SIMILAR DEVELOPMENT CHARGE FOR ANOTHER CAPITAL FACILITY USED TO  
15 PROVIDE A SIMILAR FIRE, RESCUE, AND EMERGENCY SERVICE OR IF THE  
16 LANDOWNER HAS VOLUNTARILY CONTRIBUTED MONEY FOR SUCH A  
17 CAPITAL FACILITY.

18 (4) As used in this section, the term "capital facility" means any  
19 improvement or facility that:

20 (a) Is directly related to any service that a local government OR A  
21 FIRE AND EMERGENCY SERVICES PROVIDER is authorized to provide;

22 (c) Is required by the charter or general policy of a local  
23 government OR FIRE AND EMERGENCY SERVICES PROVIDER pursuant to a  
24 resolution or ordinance.

25 **SECTION 4.** In Colorado Revised Statutes, 32-1-1002, **add** (1)  
26 (d.5) as follows:

27 **32-1-1002. Fire protection districts - additional powers and**

1 **duties.** (1) In addition to the powers specified in section 32-1-1001, the  
2 board of any fire protection district has the following powers for and on  
3 behalf of such district:

4 (d.5) TO RECEIVE AND SPEND AN IMPACT FEE OR OTHER SIMILAR  
5 DEVELOPMENT CHARGE IMPOSED PURSUANT TO THE PROVISIONS  
6 DESCRIBED IN SECTION 29-20-104.5, C.R.S.

7 **SECTION 5. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety.