

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 16, 2016
Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

HB16-1088 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

7 **29-20-103. Definitions.** As used in this article, unless the context
8 otherwise requires:

9 (1.3) "FIRE AND EMERGENCY SERVICES PROVIDER" MEANS A FIRE
10 PROTECTION DISTRICT ORGANIZED UNDER ARTICLE 1 OF TITLE 32, C.R.S.,
11 OR A FIRE AUTHORITY ESTABLISHED PURSUANT TO SECTION 29-1-203.5.

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

14 **29-20-104.5. Impact fees - definition.** (1) Pursuant to the
15 authority granted in section 29-20-104 (1) (g) and as a condition of
16 issuance of a development permit, a local government may impose an
17 impact fee or other similar development charge to fund expenditures by
18 such local government OR A FIRE AND EMERGENCY SERVICES PROVIDER
19 THAT PROVIDES FIRE PROTECTION, RESCUE, AND EMERGENCY SERVICES IN
20 THE NEW DEVELOPMENT on capital facilities needed to serve new
21 development. No impact fee or other similar development charge shall be
22 imposed except pursuant to a schedule that is:

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

8 (b) BEFORE ISSUING A DEVELOPMENT PERMIT:

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

16 (II) THE LOCAL GOVERNMENT AND FIRE AND EMERGENCY SERVICES
17 PROVIDER SHALL ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
18 DEFINING SUCH FEES OR OTHER SIMILAR DEVELOPMENT CHARGES AND THE
19 DETAILS OF COLLECTION AND REMITTANCE.

20 (c) A LOCAL GOVERNMENT THAT IMPOSES AN IMPACT FEE OR
21 OTHER SIMILAR DEVELOPMENT CHARGE TO FUND THE EXPENDITURES BY
22 A FIRE AND EMERGENCY SERVICES PROVIDER FOR A CAPITAL FACILITY
23 SHALL PAY THE IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES
24 COLLECTED TO THE FIRE PROTECTION AND EMERGENCY SERVICE
25 PROVIDER.

26 (3) Any schedule of impact fees or other similar development
27 charges adopted by a local government pursuant to this section shall
28 include provisions to ensure that no individual landowner is required to
29 provide any site specific dedication or improvement to meet the same
30 need for capital facilities for which the impact fee or other similar
31 development charge is imposed. A LOCAL GOVERNMENT SHALL NOT
32 IMPOSE AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE ON AN
33 INDIVIDUAL LANDOWNER TO FUND EXPENDITURES FOR A CAPITAL FACILITY
34 USED TO PROVIDE FIRE, RESCUE, AND EMERGENCY SERVICES IF THE
35 LANDOWNER IS ALREADY REQUIRED TO PAY AN IMPACT FEE OR OTHER
36 SIMILAR DEVELOPMENT CHARGE FOR ANOTHER CAPITAL FACILITY USED TO
37 PROVIDE A SIMILAR FIRE, RESCUE, AND EMERGENCY SERVICE OR IF THE
38 LANDOWNER HAS VOLUNTARILY CONTRIBUTED MONEY FOR SUCH A
39 CAPITAL FACILITY.

40 (4) As used in this section, the term "capital facility" means any

1 improvement or facility that:
2 (a) Is directly related to any service that a local government OR A
3 FIRE AND EMERGENCY SERVICES PROVIDER is authorized to provide;
4 (c) Is required by the charter or general policy of a local
5 government OR FIRE AND EMERGENCY SERVICES PROVIDER pursuant to a
6 resolution or ordinance.

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

9 **32-1-1002. Fire protection districts - additional powers and**
10 **duties.** (1) In addition to the powers specified in section 32-1-1001, the
11 board of any fire protection district has the following powers for and on
12 behalf of such district:

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

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

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