

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0084.01 Alison Killen x4350

SENATE BILL 24-194

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SENATE SPONSORSHIP

Roberts and Will, Fenberg

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Senate Committees

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A BILL FOR AN ACT

101 CONCERNING SPECIAL DISTRICTS THAT PROVIDE EMERGENCY  
102 SERVICES, AND, IN CONNECTION THEREWITH, AUTHORIZING A  
103 DISTRICT TO IMPOSE AN IMPACT FEE ON CERTAIN NEW  
104 CONSTRUCTION AND TO LEVY A SALES TAX TO GENERATE  
105 ADDITIONAL REVENUE FOR DISTRICT SERVICES.

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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://leg.colorado.gov>.)*

Currently, a fire protection district (district) may receive and spend an impact fee or other similar development charge in connection with a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

local government's imposition of such fee or charge to fund expenditures by a fire and emergency services provider. **Section 1** of the bill repeals these statutory provisions for funding fire and emergency services and **section 2** prohibits a district from on its own authority imposing a fee, rate, toll, or charge for responding to, combating, and extinguishing a fire occurring within the district's jurisdictional boundaries, but continues to allow a district to charge or seek reimbursement for such services as authorized by separate state or federal law.

In place of the repealed funding mechanisms, **section 3** authorizes a district to impose its own impact fee on the construction of new buildings, structures, facilities, or improvements on real property within the district's jurisdictional boundaries so long as the fee is:

- Reasonably related to the overall cost of the district's services; and
- Imposed in accordance with a fee schedule that is legislatively adopted by the district's board and that applies to all similarly situated property.

**Section 4** gives districts the additional financial power to levy a sales tax within the district's jurisdiction, at a rate determined by the district's board, upon every transaction or other incident with respect to which a sales tax is levied by the state. The tax must be approved by a majority of the eligible electors within the district voting at a regular special district election or at a special election that complies with section 20 of article X of the state constitution and related statutory requirements. Such a sales tax must be collected, administered, and enforced by the executive director of the department of revenue in the same manner as the state sales tax.

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

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

5           **29-20-104.5. Impact fees - definition.** (1) Pursuant to the  
6 authority granted in section 29-20-104 (1)(g) and as a condition of  
7 issuance of a development permit, a local government may impose an  
8 impact fee or other similar development charge to fund expenditures by  
9 such local government ~~or a fire and emergency services provider that~~  
10 ~~provides fire protection, rescue, and emergency services in the new~~

1 development on capital facilities needed to serve new development. No  
2 impact fee or other similar development charge shall be imposed except  
3 pursuant to a schedule that is:

4 (2) (b) ~~A local government shall confer with any fire and~~  
5 ~~emergency services provider that provides fire protection, rescue, and~~  
6 ~~emergency medical services in a new development, together with the~~  
7 ~~owner or developer of the development, to assess and determine whether~~  
8 ~~there should be an impact fee or other similar development charge~~  
9 ~~imposed to defray the impacts to the fire and emergency services~~  
10 ~~provider.~~

11 (c) ~~If a local government, in its sole discretion, elects to impose~~  
12 ~~an impact fee or other similar development charge to fund the~~  
13 ~~expenditures by a fire and emergency services provider for a capital~~  
14 ~~facility, then the local government and fire and emergency services~~  
15 ~~provider shall enter into an intergovernmental agreement defining the~~  
16 ~~impact fee or other similar development charge and the details of~~  
17 ~~collection and remittance.~~

18 (d) ~~A local government that imposes an impact fee or other similar~~  
19 ~~development charge to fund the expenditures by a fire and emergency~~  
20 ~~services provider for a capital facility shall pay the impact fees or other~~  
21 ~~similar development charges collected to the fire protection and~~  
22 ~~emergency service provider.~~

23 (3) Any schedule of impact fees or other similar development  
24 charges adopted by a local government pursuant to this section shall MUST  
25 include provisions to ensure that no individual landowner is required to  
26 provide any site specific dedication or improvement to meet the same  
27 need for capital facilities for which the impact fee or other similar

1 development charge is imposed. ~~A local government shall not impose an~~  
2 ~~impact fee or other similar development charge on an individual~~  
3 ~~landowner to fund expenditures for a capital facility used to provide fire,~~  
4 ~~rescue, and emergency services if the landowner is already required to~~  
5 ~~pay an impact fee or other similar development charge for another capital~~  
6 ~~facility used to provide a similar fire, rescue, and emergency service or if~~  
7 ~~the landowner has voluntarily contributed money for such a capital~~  
8 ~~facility.~~

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

11 (a) Is directly related to any service that a local government ~~or a~~  
12 ~~fire and emergency services provider~~ is authorized to provide;

13 (c) Is required by the charter or general policy of a local  
14 government ~~or fire and emergency services provider~~ pursuant to a  
15 resolution or ordinance.

16 **SECTION 2.** In Colorado Revised Statutes, 32-1-1001, **amend**  
17 (1)(j)(I) as follows:

18 **32-1-1001. Common powers - definitions.** (1) For and on behalf  
19 of the special district the board has the following powers:

20 (j) (I) To fix and from time to time to increase or decrease fees,  
21 rates, tolls, penalties, or charges for services, programs, or facilities  
22 furnished by the special district; ~~except that A fire protection districts may~~  
23 ~~only fix fees and charges as provided in section 32-1-1002 (1)(c)~~  
24 DISTRICT SHALL NOT ON ITS OWN AUTHORITY IMPOSE A FEE, RATE, TOLL,  
25 OR CHARGE FOR RESPONDING TO, COMBATING, OR EXTINGUISHING A FIRE  
26 OCCURRING ON TAXABLE REAL OR PERSONAL PROPERTY, BUILDINGS, OR  
27 FACILITIES LOCATED WITHIN THE FIRE PROTECTION DISTRICT'S

1 JURISDICTIONAL BOUNDARIES. THIS LIMITATION DOES NOT PREVENT A FIRE  
2 PROTECTION DISTRICT FROM CHARGING OR SEEKING REIMBURSEMENT FOR  
3 RESPONDING TO, COMBATING, OR EXTINGUISHING SUCH A FIRE IF THE  
4 CHARGE OR CLAIM FOR REIMBURSEMENT IS AUTHORIZED BY A FEDERAL  
5 LAW OR REGULATION OR A STATE LAW OR RULE. The board may pledge  
6 such revenue for the payment of any indebtedness of the special district.  
7 Until paid, all such fees, rates, tolls, penalties, or charges shall constitute  
8 a perpetual lien on and against the property served, and any such lien may  
9 be foreclosed in the same manner as provided by the laws of this state for  
10 the foreclosure of mechanics' liens.

11 **SECTION 3.** In Colorado Revised Statutes, 32-1-1002, **amend**  
12 (1)(d.5) and (1)(e) introductory portion as follows:

13 **32-1-1002. Fire protection districts - additional powers and**  
14 **duties.** (1) In addition to the powers specified in section 32-1-1001, the  
15 board of any fire protection district has the following powers for and on  
16 behalf of the district:

17 (d.5) ~~To receive and spend an impact fee or other similar~~  
18 ~~development charge imposed pursuant to the provisions described in~~  
19 ~~section 29-20-104.5, C.R.S.;~~ IMPOSE AN IMPACT FEE ON THE  
20 CONSTRUCTION OF NEW BUILDINGS, STRUCTURES, FACILITIES, OR  
21 IMPROVEMENTS, INCLUDING OIL OR GAS WELLS AND RELATED EQUIPMENT,  
22 ON PREVIOUSLY IMPROVED OR ON UNIMPROVED REAL PROPERTY WITHIN  
23 THE DISTRICT'S JURISDICTIONAL BOUNDARIES, IF:

24 (I) THE IMPACT FEE IS REASONABLY RELATED TO THE OVERALL  
25 COST OF THE DISTRICT'S SERVICES;

26 (II) THE IMPACT FEE IS IMPOSED IN ACCORDANCE WITH A FEE  
27 SCHEDULE THAT IS LEGISLATIVELY ADOPTED BY THE BOARD AND THAT

1 APPLIES TO ALL CONSTRUCTION OF NEW BUILDINGS, STRUCTURES,  
2 FACILITIES, OR IMPROVEMENTS, INCLUDING OIL OR GAS WELLS AND  
3 RELATED EQUIPMENT, ON PREVIOUSLY IMPROVED OR ON UNIMPROVED  
4 REAL PROPERTY WITHIN THE DISTRICT'S JURISDICTIONAL BOUNDARIES;  
5 AND

6 (III) NO LATER THAN SIXTY CALENDAR DAYS BEFORE IMPOSING AN  
7 IMPACT FEE PURSUANT TO THIS SUBSECTION (1)(d.5), THE DISTRICT  
8 NOTIFIES THE CLERK OF EVERY MUNICIPALITY OR COUNTY THAT INCLUDES  
9 TERRITORY THAT IS WHOLLY OR PARTLY LOCATED WITHIN THE DISTRICT'S  
10 JURISDICTIONAL BOUNDARIES AND THAT MAY BE IMPACTED BY THE  
11 PROPOSED IMPACT FEE OF ITS INTENT TO IMPOSE THE FEE AND PROVIDES A  
12 REASONABLE OPPORTUNITY FOR THE MUNICIPALITY OR COUNTY TO SUBMIT  
13 WRITTEN COMMENTS REGARDING THE IMPACT FEE TO THE BOARD OF THE  
14 DISTRICT;

15 (e) IN ADDITION TO ALL OTHER FEES AND CHARGES ALLOWED BY  
16 THIS ARTICLE 1, TO FIX AND FROM TIME TO TIME INCREASE OR DECREASE FEES AND  
17 CHARGES AS FOLLOWS, AND THE BOARD MAY PLEDGE SUCH REVENUE FOR THE  
18 PAYMENT OF ANY INDEBTEDNESS OF THE DISTRICT:

19 **SECTION 4.** In Colorado Revised Statutes, **add** 32-1-1107 as  
20 follows:

21 **32-1-1107. Special financial provisions - fire protection**  
22 **districts.** (1) IN ADDITION TO THE POWERS SPECIFIED IN SECTION  
23 32-1-1101, THE BOARD OF A FIRE PROTECTION DISTRICT, REFERRED TO IN  
24 THIS SECTION AS A "DISTRICT", HAS THE POWER, FOR AND ON BEHALF OF  
25 THE DISTRICT, TO LEVY A UNIFORM SALES TAX, AT A RATE DETERMINED BY  
26 THE BOARD, UPON EVERY TRANSACTION OR OTHER INCIDENT WITH  
27 RESPECT TO WHICH A SALES TAX IS LEVIED BY THE STATE THAT OCCURS

1        WITHIN ANY AREA OF THE DISTRICT'S JURISDICTION, SUBJECT TO THE  
2        FOLLOWING LIMITATIONS:

3            (a) THE BOARD MAY LEVY THE SALES TAX ONLY IF THE QUESTION  
4        OF LEVYING THE SALES TAX IS SUBMITTED TO AND APPROVED BY A  
5        MAJORITY OF THE ELIGIBLE ELECTORS OF THE DISTRICT VOTING AT A  
6        REGULAR SPECIAL DISTRICT ELECTION OR AT A SPECIAL ELECTION HELD ON  
7        THE TUESDAY AFTER THE FIRST MONDAY OF NOVEMBER IN AN  
8        EVEN-NUMBERED YEAR OR ON THE FIRST TUESDAY OF NOVEMBER IN AN  
9        ODD-NUMBERED YEAR IN ACCORDANCE WITH THIS ARTICLE 1, ARTICLE  
10       13.5 OF TITLE 1, AND SECTION 20 OF ARTICLE X OF THE STATE  
11       CONSTITUTION. THE BALLOT ISSUE MUST PROVIDE THAT THE SALES TAX TO  
12       BE LEVIED SHALL BE IN ADDITION TO OTHER TAXES LEVIED BY THE  
13       DISTRICT. THE DISTRICT SHALL PAY ALL COSTS OF THE ELECTION.

14           (b) THE NET REVENUE OF ANY SALES TAX LEVIED MAY BE USED  
15       ONLY TO FUND FIRE PROTECTION SERVICES IN AREAS OF THE DISTRICT IN  
16       WHICH THE TAX IS TO BE LEVIED.

17           (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE  
18       SHALL COLLECT, ADMINISTER, AND ENFORCE ANY SALES TAX LEVIED BY  
19       A DISTRICT PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29, AS ADDED AND  
20       AMENDED WITH RELOCATED PROVISIONS IN SENATE BILL 24-025,  
21       ENACTED IN 2024. THE DISTRICT SHALL PAY THE NET INCREMENTAL COST  
22       INCURRED BY THE DEPARTMENT OF REVENUE IN THE ADMINISTRATION AND  
23       COLLECTION OF THE SALES TAX.

24           (3) REVENUE RAISED BY A DISTRICT THROUGH THE LEVY OF A  
25       SALES TAX PURSUANT TO THIS SECTION IS IN ADDITION TO AND SHALL NOT  
26       BE USED TO SUPPLANT ANY FUNDING THAT THE DISTRICT WOULD  
27       OTHERWISE BE ENTITLED TO RECEIVE FROM THE STATE OR ANY

1 SUBDIVISION THEREOF.

2 **SECTION 5.** In Colorado Revised Statutes, **add** 32-1-1107 as  
3 follows:

4 **32-1-1107. Special financial provisions - fire protection**  
5 **districts.** (1) IN ADDITION TO THE POWERS SPECIFIED IN SECTION  
6 32-1-1101, THE BOARD OF A FIRE PROTECTION DISTRICT, REFERRED TO IN  
7 THIS SECTION AS A "DISTRICT", HAS THE POWER, FOR AND ON BEHALF OF  
8 THE DISTRICT, TO LEVY A UNIFORM SALES TAX, AT A RATE DETERMINED BY  
9 THE BOARD, UPON EVERY TRANSACTION OR OTHER INCIDENT WITH  
10 RESPECT TO WHICH A SALES TAX IS LEVIED BY THE STATE THAT OCCURS  
11 WITHIN ANY AREA OF THE DISTRICT'S JURISDICTION, SUBJECT TO THE  
12 FOLLOWING LIMITATIONS:

13 (a) THE BOARD MAY LEVY THE SALES TAX ONLY IF THE QUESTION  
14 OF LEVYING THE SALES TAX IS SUBMITTED TO AND APPROVED BY A  
15 MAJORITY OF THE ELIGIBLE ELECTORS OF THE DISTRICT VOTING AT A  
16 REGULAR SPECIAL DISTRICT ELECTION OR AT A SPECIAL ELECTION HELD ON  
17 THE TUESDAY AFTER THE FIRST MONDAY OF NOVEMBER IN AN  
18 EVEN-NUMBERED YEAR OR ON THE FIRST TUESDAY OF NOVEMBER IN AN  
19 ODD-NUMBERED YEAR IN ACCORDANCE WITH THIS ARTICLE 1, ARTICLE  
20 13.5 OF TITLE 1, AND SECTION 20 OF ARTICLE X OF THE STATE  
21 CONSTITUTION. THE BALLOT ISSUE MUST PROVIDE THAT THE SALES TAX TO  
22 BE LEVIED SHALL BE IN ADDITION TO OTHER TAXES LEVIED BY THE  
23 DISTRICT. THE DISTRICT SHALL PAY ALL COSTS OF THE ELECTION.

24 (b) THE NET REVENUE OF ANY SALES TAX LEVIED MAY BE USED  
25 ONLY TO FUND FIRE PROTECTION SERVICES IN AREAS OF THE DISTRICT IN  
26 WHICH THE TAX IS TO BE LEVIED.

27 (2) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF

1 REVENUE SHALL COLLECT, ADMINISTER, AND ENFORCE ANY SALES TAX  
2 LEVIED BY A DISTRICT IN THE SAME MANNER USED TO COLLECT,  
3 ADMINISTER, AND ENFORCE THE STATE SALES TAX LEVIED PURSUANT TO  
4 ARTICLE 26 OF TITLE 39, INCLUDING THE RETENTION BY A VENDOR OF THE  
5 PERCENTAGE OF THE AMOUNT REMITTED TO COVER THE VENDOR'S  
6 EXPENSE IN THE COLLECTION AND REMITTANCE OF THE SALES TAX  
7 SPECIFIED IN SECTION 39-26-105. THE EXECUTIVE DIRECTOR OF THE  
8 DEPARTMENT OF REVENUE SHALL MAKE MONTHLY DISTRIBUTIONS OF  
9 SALES TAX COLLECTIONS TO THE DISTRICT. THE DISTRICT SHALL PAY THE  
10 NET INCREMENTAL COST INCURRED BY THE DEPARTMENT OF REVENUE IN  
11 THE ADMINISTRATION AND COLLECTION OF THE SALES TAX.

12 (b) A QUALIFIED PURCHASER MAY PROVIDE A DIRECT PAYMENT  
13 PERMIT NUMBER ISSUED PURSUANT TO SECTION 39-26-103.5 TO A VENDOR  
14 OR RETAILER THAT IS LIABLE AND RESPONSIBLE FOR COLLECTING AND  
15 REMITTING ANY SALES TAX LEVIED ON A SALE MADE TO THE QUALIFIED  
16 PURCHASER PURSUANT TO THE PROVISIONS OF THIS SECTION. A VENDOR  
17 OR RETAILER THAT HAS RECEIVED A DIRECT PAYMENT PERMIT NUMBER IN  
18 GOOD FAITH FROM A QUALIFIED PURCHASER IS NOT LIABLE OR  
19 RESPONSIBLE FOR COLLECTION AND REMITTANCE OF ANY SALES TAX  
20 LEVIED ON A SALE THAT IS PAID FOR DIRECTLY FROM THE QUALIFIED  
21 PURCHASER'S MONEY AND NOT THE PERSONAL MONEY OF AN INDIVIDUAL  
22 IN ACCORDANCE WITH SECTION 39-26-105 (1)(a)(I)(B).

23 (c) A QUALIFIED PURCHASER THAT PROVIDES A DIRECT PAYMENT  
24 PERMIT NUMBER TO A VENDOR OR RETAILER IS LIABLE AND RESPONSIBLE  
25 FOR THE AMOUNT OF SALES TAX LEVIED ON A SALE MADE TO THE  
26 QUALIFIED PURCHASER IN THE SAME MANNER AS LIABILITY WOULD BE  
27 LEVIED ON A QUALIFIED PURCHASER FOR STATE SALES TAX PURSUANT TO

1 SECTION 39-26-105 (5)(a).

2 (3) REVENUE RAISED BY A DISTRICT THROUGH THE LEVY OF A  
3 SALES TAX PURSUANT TO THIS SECTION IS IN ADDITION TO AND SHALL NOT  
4 BE USED TO SUPPLANT ANY FUNDING THAT THE DISTRICT WOULD  
5 OTHERWISE BE ENTITLED TO RECEIVE FROM THE STATE OR ANY  
6 SUBDIVISION THEREOF.

7 **SECTION 6. Act subject to petition - effective date. (1)**

8 Except as otherwise provided in subsections (2) and (3) of this section,  
9 this act takes effect at 12:01 a.m. on the day following the expiration of  
10 the ninety-day period after final adjournment of the general assembly;  
11 except that, if a referendum petition is filed pursuant to section 1 (3) of  
12 article V of the state constitution against this act or an item, section, or  
13 part of this act within such period, then the act, item, section, or part will  
14 not take effect unless approved by the people at the general election to be  
15 held in November 2024 and, in such case, will take effect on the date of  
16 the official declaration of the vote thereon by the governor.

17 (2) Section 32-1-1107, C.R.S., enacted in section 4 of this act,  
18 takes effect only if Senate Bill 24-025 becomes law, in which case section  
19 32-1-1107, C.R.S., as enacted in section 4 of this act, takes effect on the  
20 effective date of Senate Bill 24-025.

21 (3) Section 32-1-1107, C.R.S., enacted in section 5 of this act,  
22 takes effect only if Senate Bill 24-025 does not become law, in which  
23 case section 32-1-1107, C.R.S., as enacted in section 5 of this act, takes  
24 effect on the applicable effective date of this act.