

HB1088\_L.006

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government.HB16-1088 be amended as follows:

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:

23           (2) (a) A local government shall quantify the reasonable impacts  
24 of proposed development on existing capital facilities and establish the  
25 impact fee or development charge at a level no greater than necessary to  
26 defray such impacts directly related to proposed development. No impact  
27 fee or other similar development charge shall be imposed to remedy any  
28 deficiency in capital facilities that exists without regard to the proposed  
29 development.

30           (b) BEFORE ISSUING A DEVELOPMENT PERMIT:

31           (I) A LOCAL GOVERNMENT SHALL CONFER WITH ANY FIRE AND  
32 EMERGENCY SERVICES PROVIDER THAT PROVIDES FIRE PROTECTION,  
33 RESCUE, AND EMERGENCY MEDICAL SERVICES IN THE NEW DEVELOPMENT,  
34 TOGETHER WITH THE OWNER OR DEVELOPER OF THE DEVELOPMENT, TO  
35 ASSESS AND DETERMINE WHETHER THERE SHOULD BE AN IMPACT FEE OR  
36 OTHER SIMILAR DEVELOPMENT CHARGE IMPOSED TO DEFRAY THE IMPACTS  
37 TO THE FIRE AND EMERGENCY SERVICES PROVIDER; AND

1 (II) THE LOCAL GOVERNMENT AND FIRE AND EMERGENCY SERVICES  
2 PROVIDER SHALL ENTER INTO AN INTERGOVERNMENTAL AGREEMENT  
3 DEFINING SUCH FEES OR OTHER SIMILAR DEVELOPMENT CHARGES AND THE  
4 DETAILS OF COLLECTION AND REMITTANCE.

5 (c) A LOCAL GOVERNMENT THAT IMPOSES AN IMPACT FEE OR  
6 OTHER SIMILAR DEVELOPMENT CHARGE TO FUND THE EXPENDITURES BY  
7 A FIRE AND EMERGENCY SERVICES PROVIDER FOR A CAPITAL FACILITY  
8 SHALL PAY THE IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES  
9 COLLECTED TO THE FIRE PROTECTION AND EMERGENCY SERVICE  
10 PROVIDER.

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

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

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

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

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

34 **32-1-1002. Fire protection districts - additional powers and**  
35 **duties.** (1) In addition to the powers specified in section 32-1-1001, the  
36 board of any fire protection district has the following powers for and on  
37 behalf of such district:

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

41 **SECTION 5. Safety clause.** The general assembly hereby finds,

1 determines, and declares that this act is necessary for the immediate  
2 preservation of the public peace, health, and safety."

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