

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

May 3, 2023

Committee on Finance.

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

SB23-267 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 4, strike lines 22 through 24 and substitute:  
2 "(c) Require the authority to expend the money to support water  
3 quality projects that benefit Chatfield state park, including projects that  
4 provide for the".

5 Strike page 5.

6 Page 6, strike lines 1 through 22 and substitute:

7 "SECTION 2. In Colorado Revised Statutes, **add** 33-9-114 as  
8 follows:

9 **33-9-114. Chatfield state park - water quality fee - Chatfield**  
10 **watershed authority - process for requesting a water quality fee -**  
11 **definitions - rules.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
12 OTHERWISE REQUIRES:

13 (a) "CHATFIELD WATERSHED AUTHORITY" MEANS THE CHATFIELD  
14 WATERSHED AUTHORITY ESTABLISHED BY AN INTERGOVERNMENTAL  
15 AGREEMENT EXECUTED PURSUANT TO SECTIONS 29-1-203 AND 29-1-204.2  
16 AND INCLUDING THE FOLLOWING MEMBERS:

- 17 (I) JEFFERSON COUNTY;  
18 (II) DOUGLAS COUNTY;  
19 (III) THE CITY OF LITTLETON;  
20 (IV) THE TOWN OF CASTLE ROCK;  
21 (V) THE TOWN OF LARKSPUR;  
22 (VI) CASTLE PINES METROPOLITAN DISTRICT;  
23 (VII) CENTENNIAL WATER AND SANITATION DISTRICT;  
24 (VIII) DOMINION WATER AND SANITATION DISTRICT;  
25 (IX) LOUVIERS WATER AND SANITATION DISTRICT;

1 (X) PERRY PARK WATER AND SANITATION DISTRICT;  
2 (XI) ROXBOROUGH WATER AND SANITATION DISTRICT;  
3 (XII) THE CITY AND COUNTY OF DENVER, ACTING BY AND  
4 THROUGH ITS BOARD OF WATER COMMISSIONERS; AND  
5 (XIII) THE PLUM CREEK WATER RECLAMATION AUTHORITY.  
6 (b) "FUND" MEANS THE PARKS AND OUTDOOR RECREATION CASH  
7 FUND CREATED IN SECTION 33-10-111 (1).  
8 (c) "WATER QUALITY FEE" MEANS A WATER QUALITY FEE  
9 ESTABLISHED BY RULES PROMULGATED BY THE COMMISSION PURSUANT TO  
10 SUBSECTION (2) OF THIS SECTION.  
11 (2) (a) ON OR BEFORE JULY 1, 2024, THE COMMISSION SHALL  
12 PROMULGATE RULES ESTABLISHING:  
13 (I) A PROCESS BY WHICH THE CHATFIELD WATERSHED AUTHORITY  
14 MAY REQUEST THAT THE COMMISSION CREATE BY RULE A WATER QUALITY  
15 FEE TO BE COLLECTED BY THE DIVISION FROM VISITORS TO CHATFIELD  
16 STATE PARK;  
17 (II) CRITERIA FOR APPROVING A REQUEST FOR A WATER QUALITY  
18 FEE; AND  
19 (III) CRITERIA FOR DETERMINING WHICH VISITORS TO CHATFIELD  
20 STATE PARK SHOULD BE REQUIRED TO PAY A WATER QUALITY FEE; EXCEPT  
21 THAT IN PROMULGATING SUCH RULES, THE COMMISSION SHALL ENSURE  
22 THAT THE DIVISION SHALL NOT COLLECT A WATER QUALITY FEE FROM A  
23 VISITOR WHO HOLDS AN ANNUAL OR LIFETIME PASS TO VISIT STATE PARKS.  
24 (b) IN PROMULGATING RULES PURSUANT TO SUBSECTION (2)(a) OF  
25 THIS SECTION, THE COMMISSION SHALL ENSURE THAT THE AMOUNT OF A  
26 WATER QUALITY FEE:  
27 (I) IS ROUNDED TO THE NEAREST DOLLAR; AND  
28 (II) DOES NOT EXCEED TWO DOLLARS, EXCEPT AS DESCRIBED IN  
29 SUBSECTION (4)(c) OF THIS SECTION.  
30 (c) ON AND AFTER JULY 1, 2024, THE COMMISSION MAY CREATE A  
31 WATER QUALITY FEE PURSUANT TO RULES PROMULGATED PURSUANT TO  
32 THIS SUBSECTION (2).  
33 (3) THE COMMISSION SHALL NOT UNREASONABLY DENY A REQUEST  
34 BY THE CHATFIELD WATERSHED AUTHORITY TO CREATE A WATER QUALITY  
35 FEE AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION.  
36 (4) IF THE COMMISSION ESTABLISHES A WATER QUALITY FEE  
37 PURSUANT TO RULES PROMULGATED PURSUANT TO SUBSECTION (2) OF  
38 THIS SECTION, THE COMMISSION:  
39 (a) SHALL REQUIRE THE CHATFIELD WATERSHED AUTHORITY TO  
40 EXPEND UP TO TWENTY-FIVE PERCENT OF THE MONEY RECEIVED FROM THE  
41 DIVISION PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION ON WATER  
42 QUALITY PROJECTS WITHIN THE BOUNDARIES OF CHATFIELD STATE PARK;  
43 (b) MAY INCLUDE ADDITIONAL REQUIREMENTS AND RESTRICTIONS

1 CONCERNING THE EXPENDITURE BY THE CHATFIELD WATERSHED  
2 AUTHORITY OF MONEY RECEIVED FROM THE DIVISION PURSUANT TO  
3 SUBSECTION (5)(a) OF THIS SECTION ON WATER QUALITY PROJECTS INSIDE  
4 THE BOUNDARIES OF CHATFIELD STATE PARK; AND  
5 (c) SHALL REVIEW THE WATER QUALITY FEE ON JANUARY 1, 2030,  
6 AND ON EACH JANUARY 1 EVERY FIVE YEARS THEREAFTER. AFTER EACH  
7 SUCH REVIEW, THE COMMISSION MAY EITHER:  
8 (I) ELIMINATE THE WATER QUALITY FEE IF THE COMMISSION  
9 DETERMINES THAT THE WATER QUALITY FEE IS NO LONGER NECESSARY; OR  
10 (II) ADJUST THE AMOUNT OF THE WATER QUALITY FEE TO  
11 ACCOUNT FOR INFLATION OR DEFLATION. IN CALCULATING INFLATION OR  
12 DEFLATION, THE COMMISSION SHALL USE THE UNITED STATES  
13 DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE  
14 INDEX FOR DENVER-AURORA-LAKESWOOD FOR ALL ITEMS PAID BY ALL  
15 URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR  
16 INDEX.  
17 (5) IF THE COMMISSION ESTABLISHES A WATER QUALITY FEE  
18 PURSUANT TO RULES PROMULGATED PURSUANT TO SUBSECTION (2) OF  
19 THIS SECTION:  
20 (a) THE DIVISION SHALL COLLECT THE WATER QUALITY FEE ON AND  
21 AFTER JANUARY 1, 2025, IN THE MANNER PRESCRIBED BY RULES OF THE  
22 COMMISSION. EXCEPT AS DESCRIBED IN SUBSECTION (5)(c) OF THIS  
23 SECTION, THE DIVISION SHALL TRANSFER THE TOTAL AMOUNT OF MONEY  
24 COLLECTED AS WATER QUALITY FEES TO THE STATE TREASURER, WHO  
25 SHALL CREDIT THE MONEY TO THE FUND. MONEY IN THE FUND THAT WAS  
26 COLLECTED AS WATER QUALITY FEES IS CONTINUOUSLY APPROPRIATED TO  
27 THE DEPARTMENT FOR ALLOCATION TO THE DIVISION FOR PURPOSES  
28 DESCRIBED IN THIS SECTION.  
29 (b) BEGINNING JULY 1, 2025, AND EACH SIX MONTHS THEREAFTER,  
30 EXCEPT AS DESCRIBED IN SUBSECTION (5)(c) OF THIS SECTION, THE  
31 DIVISION SHALL PAY TO THE CHATFIELD WATERSHED AUTHORITY THE  
32 TOTAL AMOUNT OF MONEY COLLECTED AS WATER QUALITY FEES DURING  
33 THE PRECEDING SIX MONTHS. THE MONEY SHALL BE PAID FROM THE FUND.  
34 (c) THE DIVISION SHALL ANNUALLY PERFORM AN ANALYSIS TO  
35 DETERMINE THE NET INCREMENTAL COSTS INCURRED BY THE DIVISION IN  
36 COLLECTING AND ADMINISTERING THE WATER QUALITY FEE. THE DIVISION  
37 MAY RETAIN A PORTION OF THE AMOUNT OF MONEY COLLECTED AS WATER  
38 QUALITY FEES TO PAY SUCH COSTS; EXCEPT THAT THE DIVISION SHALL NOT  
39 RETAIN MORE THAN THREE AND ONE-THIRD PERCENT OF SUCH MONEY.  
40 (6) THE CHATFIELD WATERSHED AUTHORITY SHALL EXPEND THE  
41 MONEY RECEIVED FROM THE DIVISION PURSUANT TO SUBSECTION (5)(b) OF  
42 THIS SECTION TO SUPPORT WATER QUALITY PROJECTS, INCLUDING  
43 PROJECTS THAT PROVIDE FOR THE CONSTRUCTION, OPERATION, AND

1 MAINTENANCE OF NONPOINT SOURCE PROJECTS, WATER QUALITY  
2 MONITORING, AND URBAN RUNOFF AND EROSION MANAGEMENT AND  
3 CONTROL."

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