

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 23-0283.01 Jery Payne x2157

SENATE BILL 23-059

SENATE SPONSORSHIP

Baisley and Roberts, Rich, Bridges, Cutter, Danielson, Hansen, Hinrichsen, Marchman, Priola, Winter F.

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Agriculture & Natural Resources
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House Committees

Agriculture, Water & Natural Resources
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Appropriations

HOUSE
3rd Reading Unamended
May 6, 2023

A BILL FOR AN ACT

101 **CONCERNING PROVIDING FUNDING TO LOCAL GOVERNMENTS TO**
102 **SUPPORT ACCESS TO STATE-OWNED OUTDOOR RECREATIONAL**
103 **AREAS, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

HOUSE
2nd Reading Unamended
May 5, 2023

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>.)

SENATE
3rd Reading Unamended
April 12, 2023

The bill creates the state park and wildlife area access grant program (program), which reimburses local governments for access route maintenance, construction, service, and operational work resulting from

SENATE
Amended 2nd Reading
April 11, 2023

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.

people visiting state parks and wildlife areas. The program is administered by the division of parks and wildlife (division) and the parks and wildlife commission (commission). In connection with the program, the bill:

- Using overflow money from the keep Colorado wild pass, helps finance local governments' maintenance and operation of access routes. A local government must use the grant money to support direct access to state parks and wildlife areas. Supporting direct access may include maintaining and constructing local roads, bicycle lanes, or other recreational access routes or providing or facilitating shuttle operations.
- Requires the commission to promulgate rules, in collaboration with and after consultation with affected local governments, to establish the process for local governments to apply for grants, the criteria for awarding grants, and the criteria for determining the amount of grant money to be awarded;
- Creates a grant review committee (committee) to make recommendations to the division; and
- Authorizes a local government to request that the state park or wildlife area charge an additional per vehicle fee, not to exceed \$2, to visit. Upon the request, the commission may establish the fee, which will be transferred to the local government to maintain and operate access routes. The fee will be adjusted every 5 years for inflation or deflation.

The grant review committee consists of the following 5 members:

- 3 representatives of local governments from different geographic areas of Colorado, one of whom must be a county commissioner;
- One representative of the commission; and
- One representative of the division.

The members of the committee serve without additional compensation from the state. The committee will review grant applications and make recommendations to the division. The committee is repealed on September 1, 2032, but before the repeal, the department of regulatory agencies will review the committee in accordance with the sunset process.

On or before November 1, 2025, and on or before November 1 of each subsequent year, the division will report about the implementation of the bill to a joint session of the house of representatives agriculture, water, and natural resources committee and the senate agriculture and natural resources committee. The report must include a list of local governments and access projects that received grants and the amount of grant money that each local government and access project received.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Colorado's great outdoors and wildlife are among the state's
5 most treasured resources, enhancing Coloradans' quality of life, bringing
6 prosperity to the state and its residents, and representing the fabric of the
7 state;

8 (b) Rapid increase in demand for outdoor recreation is challenging
9 local governments' ability to maintain access;

10 (c) Despite tremendous growth in outdoor recreation, existing
11 funding to support the variety of ways Colorado families access our state
12 parks is insufficient;

13 (d) This leads to increased barriers for families and can deter
14 visitors from accessing state parks;

15 (e) Local governments share the access goals of the state and rely
16 on a financial partnership with the state and other partners to help meet
17 the demand and ensure Colorado's outdoors are accessible to all;

18
19 (f) Establishing a new fee on daily vehicle passes may provide
20 local governments with the tools to manage the access demands that
21 continue to increase with the growing enjoyment of Colorado's outdoor
22 spaces.

23 **SECTION 2.** In Colorado Revised Statutes, **add** 33-10-117 and
24 33-10-118 as follows:

25
26 **33-10-117. State park access - fees - definitions - rules.**

1 (1)(a)(I) BY JULY 1, 2024, THE COMMISSION SHALL ESTABLISH, BY RULE:

2 (A) A PROCESS FOR LOCAL GOVERNMENTS TO REQUEST AN
3 ADDITIONAL FEE TO BE CHARGED ON A DAILY VEHICLE PASS THAT
4 AUTHORIZES THE USE OF A STATE PARK LOCATED WITHIN THE LOCAL
5 GOVERNMENT'S GEOGRAPHIC BOUNDARIES; AND

6 (B) CRITERIA FOR APPROVING A REQUEST MADE UNDER
7 SUBSECTION (1)(a)(I)(A) OF THIS SECTION; AND

8 (II) THE DIVISION SHALL NOT COLLECT THE FEE FROM A STATE
9 PARK VISITOR WHO HOLDS AN ANNUAL OR LIFETIME PASS TO VISIT STATE
10 PARKS. THE COMMISSION SHALL NOT UNREASONABLY WITHHOLD
11 APPROVAL OF A REQUEST TO CREATE THE FEE.

12 (b) THE RULES PROMULGATED BY THE COMMISSION MUST SET THE
13 FEE SO THAT THE FEE:

14 (I) DOES NOT EXCEED TWO DOLLARS, BUT THE COMMISSION SHALL
15 ADJUST THE FEE EVERY FIVE YEARS TO ACCOUNT FOR INFLATION OR
16 DEFLATION AS PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION, AND THE
17 ADJUSTMENT MAY ALLOW THE FEE TO EXCEED TWO DOLLARS; AND

18 (II) IS ROUNDED TO THE NEAREST DOLLAR.

19 (c) IN CALCULATING INFLATION OR DEFLATION, THE COMMISSION
20 SHALL USE THE STATISTICS PUBLISHED BY THE COLORADO DEPARTMENT
21 OF TRANSPORTATION AS THE CONSTRUCTION COST INDEX.

22 (d) (I) (A) THE LOCAL ACCESS ROUTE CASH FUND IS CREATED IN
23 THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE
24 FUND IN ACCORDANCE WITH THIS SUBSECTION (1) AND ANY OTHER MONEY
25 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE
26 FUND.

27 (B) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND

1 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
2 FUND TO THE FUND.

3 (C) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
4 DIVISION TO IMPLEMENT THIS SECTION.

5 (II) THE DIVISION SHALL PERFORM, ON AN ANNUAL BASIS, AN
6 ANALYSIS TO DETERMINE THE NET INCREMENTAL COST OF THE
7 COLLECTION AND ADMINISTRATION OF THE FEE. THE DIVISION MAY RETAIN
8 A PORTION OF THE FEE TO COVER THE COST OF COLLECTING AND
9 ADMINISTERING THE FEE, BUT MAY RETAIN ONLY THE AMOUNT OF THE FEE
10 THAT IS DETERMINED TO BE NECESSARY BY THE COST ANALYSIS. THE
11 DIVISION SHALL NOT RETAIN MORE THAN THREE AND ONE-THIRD PERCENT
12 OF THE FEE. THE DIVISION SHALL TRANSMIT THE RETAINED PORTION OF
13 THE FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE
14 PARKS AND OUTDOOR RECREATION CASH FUND CREATED IN SECTION
15 33-10-111.

16 (2) (a) BEGINNING JANUARY 1, 2025, THE DIVISION SHALL
17 COLLECT ANY FEE ESTABLISHED UNDER SUBSECTION (1) OF THIS SECTION
18 FROM EACH PERSON USING A DAILY VEHICLE PASS THAT VISITS A STATE
19 PARK FOR WHICH AN ADDITIONAL FEE HAS BEEN ESTABLISHED AND SHALL
20 TRANSFER THE FEE, MINUS THE AMOUNT RETAINED UNDER SUBSECTION
21 (1)(d) OF THIS SECTION, TO THE STATE TREASURER, WHO SHALL CREDIT
22 THE FEE TO THE FUND. THE DIVISION SHALL TRANSFER THE REMAINDER OF
23 THE FEE FROM THE FUND TO THE LOCAL GOVERNMENT THAT REQUESTED
24 THE FEE AND IS RESPONSIBLE FOR THE LOCAL ACCESS ROUTE. IF A STATE
25 PARK HAS MULTIPLE LOCAL ACCESS ROUTES THAT ARE MAINTAINED BY
26 MULTIPLE LOCAL GOVERNMENTS, ALL OF WHICH REQUESTED THE
27 ADDITIONAL FEE PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE

1 LOCAL GOVERNMENTS SHALL DETERMINE BY AGREEMENT HOW THE FEE
2 REVENUE IS TO BE APPORTIONED, AND THE DIVISION SHALL NOT
3 DISTRIBUTE THE FEE REVENUE TO THE LOCAL GOVERNMENTS UNTIL THE
4 LOCAL GOVERNMENTS HAVE PROVIDED THE DIVISION WITH THE
5 AGREEMENT.

6 (b) A LOCAL GOVERNMENT SHALL USE ANY FEE RECEIVED UNDER
7 THIS SUBSECTION (2) TO SUPPORT ACCESS TO STATE PARKS. SUPPORTING
8 ACCESS MAY INCLUDE MAINTAINING AND CONSTRUCTING LOCAL ROADS,
9 BICYCLE LANES, SHUTTLE OPERATIONS, AND MULTIMODAL ACCESS
10 ROUTES.

11 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
12 REQUIRES:

13 (a) "DAILY VEHICLE PASS" MEANS ANY FEE PAID BY A VISITOR TO
14 A STATE PARK ASSESSED ON A DAILY BASIS AND BASED ON A MOTOR
15 VEHICLE ENTERING THE STATE PARK.

16 (b) "FEE" MEANS THE FEE ESTABLISHED UNDER SUBSECTION (1) OF
17 THIS SECTION.

18 (c) "FUND" MEANS THE LOCAL ACCESS ROUTE CASH FUND CREATED
19 IN SUBSECTION (1)(d)(I) OF THIS SECTION.

20 (d) "LOCAL ACCESS ROUTE" MEANS A RIGHT-OF-WAY, INCLUDING
21 A BIKE OR PEDESTRIAN PATH, THAT IS NORMALLY USED TO TRAVEL TO OR
22 FROM A STATE PARK.

23 (e) "LOCAL GOVERNMENT" MEANS A CITY, COUNTY, CITY AND
24 COUNTY, OR SPECIAL DISTRICT OF THIS STATE.

25 **33-10-118. Division to study access to state parks. (1) THE**
26 **DIVISION SHALL COLLABORATE WITH LOCAL GOVERNMENTS TO IDENTIFY:**

27 (a) DEFICITS OR POTENTIAL DEFICITS WITH LOCAL

1 TRANSPORTATION INFRASTRUCTURE AND SERVICES USED BY VISITORS TO
2 ACCESS STATE PARKS; AND

3 (b) SOURCES OF FUNDING AND PARTNERSHIPS TO ADDRESS THE
4 DEFICITS OR POTENTIAL DEFICITS DESCRIBED IN SUBSECTION (1)(a) OF THIS
5 SECTION.

6 (2) IN STUDYING THE ISSUES DESCRIBED IN SUBSECTION (1) OF THIS
7 SECTION, THE DIVISION SHALL CONSIDER:

8 (a) THE USE OF AND EFFECT ON LOCAL TRANSPORTATION
9 INFRASTRUCTURE AND SERVICES OF VISITORS TRAVELING TO AND FROM
10 STATE PARKS;

11 (b) INFRASTRUCTURE COSTS INCURRED BY LOCAL GOVERNMENTS
12 IN SUPPORTING THE STATE IN MANAGING STATE PARKS AND THE
13 APPROPRIATENESS OF THE DIVISION OR OTHER PERSONS, INCLUDING USERS,
14 TO HELP SUPPORT INFRASTRUCTURE FUNDING;

15 (c) ECONOMIC AND COMMUNITY BENEFITS AND NEGATIVE EFFECTS
16 OF STATE PARKS ON LOCAL ECONOMIES, AND THE DIFFERENCE IN BENEFITS
17 AND EFFECTS INCURRED BY COUNTIES AND MUNICIPALITIES;

18 (d) EXISTING LOCAL GOVERNMENT REVENUE, INCLUDING FEES,
19 ASSESSMENTS, AND TAXES, AND PAYMENTS BY THE DIVISION IN LIEU OF
20 TAXES THAT ARE AVAILABLE TO:

21 (I) DEVELOP AND MAINTAIN TRANSPORTATION INFRASTRUCTURE;

22 OR

23 (II) PROVIDE TRANSPORTATION SERVICES RELATED TO
24 RECREATION;

25 (e) METHODS OF PROVIDING GUIDANCE TO DETERMINE WHICH
26 LOCAL ACCESS ROUTES SHOULD BE ELIGIBLE FOR ANY IDENTIFIED
27 FUNDING;

1 (f) PAST EXAMPLES OF ISSUES WITH PROVIDING LOCAL
2 TRANSPORTATION INFRASTRUCTURE AND SERVICES USED TO ACCESS STATE
3 MANAGED RECREATIONAL LAND, AND OPPORTUNITIES TO WORK WITH THE
4 DIVISION IN ADDRESSING THOSE ISSUES BOTH AT THE INCEPTION STAGE
5 AND OVER THE LIFESPAN OF THE STATE PARK;

6 (g) CURRENT RESOURCES AVAILABLE FOR AND DEDICATED TO A
7 COMMUNITY'S LOCAL TRANSPORTATION INFRASTRUCTURE AND SERVICES
8 FOR A BASELINE OF EXISTING MAINTENANCE BUDGETS, NEW SOURCES OF
9 FUNDING OR PARTNERSHIPS TO ASSIST IN THE MAINTENANCE OF LOCAL
10 ACCESS ROUTES TO AND FROM STATE PARKS, AND THE PREDICTABILITY
11 AND RELIABILITY OF THE SOURCES;

12 (h) THE LOCAL GOVERNMENT'S FINANCIAL DEMANDS OF
13 MAINTAINING TRANSPORTATION INFRASTRUCTURE AND SERVICES NEEDED
14 TO ACCESS STATE PARKS IN RELATIONSHIP TO THE FINANCIAL DEMANDS OF
15 MAINTAINING OTHER LOCAL TRANSPORTATION INFRASTRUCTURE AND
16 SERVICES WITHIN THE LOCAL JURISDICTION; AND

17 (i) THE EFFECTS OF LOCAL TRANSPORTATION CONDITIONS ON
18 LOCAL ACCESS ROUTES SERVING STATE PARKS ON THE VISITOR
19 EXPERIENCE.

20 (3) WHEN PERFORMING THE INITIAL STUDY REQUIRED IN
21 SUBSECTION (2) OF THIS SECTION, THE DIVISION SHALL SEEK INPUT FROM
22 THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF LOCAL
23 AFFAIRS BEFORE COMPLETING THE STUDY.

24 (4) THE DIVISION SHALL COMPLETE THE STUDY DESCRIBED IN THIS
25 SECTION AND MAKE LEGISLATIVE RECOMMENDATIONS TO THE GENERAL
26 ASSEMBLY BY NOVEMBER 1, 2024. THE RECOMMENDATIONS MUST
27 INCLUDE SOURCES FOR FUNDING OR PARTNERSHIPS TO ASSIST IN THE

1 MAINTENANCE OF LOCAL TRANSPORTATION INFRASTRUCTURE AND
2 SERVICES ASSOCIATED WITH STATE PARKS.

3 **SECTION 3. Appropriation.** For the 2023-24 state fiscal year,
4 \$411,000 is appropriated to the department of natural resources for use
5 by the division of parks and wildlife. This appropriation is from the parks
6 and outdoor recreation cash fund created in section 33-10-111 (1), C.R.S.
7 To implement this act, the division may use this appropriation for state
8 park operations.

9 **SECTION 4. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2024 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.