

## CHAPTER 223

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**NATURAL RESOURCES**


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**SENATE BILL 23-059**

BY SENATOR(S) Baisley and Roberts, Rich, Bridges, Cutter, Danielson, Hansen, Hinrichsen, Marchman, Priola, Winter F.; also REPRESENTATIVE(S) Catlin and McLachlan, Bradley, Holtorf, Joseph, Taggart, Velasco, Weinberg, Wilson, Amabile, Bacon, Bird, Boesenecker, Brown, Dickson, Duran, English, Frizell, Froelich, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Kipp, Lieder, Lindsay, Mabrey, Marshall, McCormick, Michaelson Jenet, Ricks, Snyder, Story, Titone, Valdez, McCluskie.

**AN ACT**

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

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

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

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

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

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

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

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

(f) Establishing a new fee on daily vehicle passes may provide local governments

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

with the tools to manage the access demands that continue to increase with the growing enjoyment of Colorado's outdoor spaces.

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

**33-10-117. State park access - fees - definitions - rules.** (1) (a) (I) By JULY 1, 2024, THE COMMISSION SHALL ESTABLISH, BY RULE:

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

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

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

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

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

(II) IS ROUNDED TO THE NEAREST DOLLAR.

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

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

(B) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

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

(II) THE DIVISION SHALL PERFORM, ON AN ANNUAL BASIS, AN ANALYSIS TO DETERMINE THE NET INCREMENTAL COST OF THE COLLECTION AND ADMINISTRATION OF THE FEE. THE DIVISION MAY RETAIN A PORTION OF THE FEE TO COVER THE COST OF COLLECTING AND ADMINISTERING THE FEE, BUT MAY RETAIN ONLY THE AMOUNT OF THE FEE THAT IS DETERMINED TO BE NECESSARY BY THE COST ANALYSIS. THE

DIVISION SHALL NOT RETAIN MORE THAN THREE AND ONE-THIRD PERCENT OF THE FEE. THE DIVISION SHALL TRANSMIT THE RETAINED PORTION OF THE FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE PARKS AND OUTDOOR RECREATION CASH FUND CREATED IN SECTION 33-10-111.

(2) (a) BEGINNING JANUARY 1, 2025, THE DIVISION SHALL COLLECT ANY FEE ESTABLISHED UNDER SUBSECTION (1) OF THIS SECTION FROM EACH PERSON USING A DAILY VEHICLE PASS THAT VISITS A STATE PARK FOR WHICH AN ADDITIONAL FEE HAS BEEN ESTABLISHED AND SHALL TRANSFER THE FEE, MINUS THE AMOUNT RETAINED UNDER SUBSECTION (1)(d) OF THIS SECTION, TO THE STATE TREASURER, WHO SHALL CREDIT THE FEE TO THE FUND. THE DIVISION SHALL TRANSFER THE REMAINDER OF THE FEE FROM THE FUND TO THE LOCAL GOVERNMENT THAT REQUESTED THE FEE AND IS RESPONSIBLE FOR THE LOCAL ACCESS ROUTE. IF A STATE PARK HAS MULTIPLE LOCAL ACCESS ROUTES THAT ARE MAINTAINED BY MULTIPLE LOCAL GOVERNMENTS, ALL OF WHICH REQUESTED THE ADDITIONAL FEE PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE LOCAL GOVERNMENTS SHALL DETERMINE BY AGREEMENT HOW THE FEE REVENUE IS TO BE APPORTIONED, AND THE DIVISION SHALL NOT DISTRIBUTE THE FEE REVENUE TO THE LOCAL GOVERNMENTS UNTIL THE LOCAL GOVERNMENTS HAVE PROVIDED THE DIVISION WITH THE AGREEMENT.

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

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

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

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

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

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

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

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

(a) DEFICITS OR POTENTIAL DEFICITS WITH LOCAL TRANSPORTATION INFRASTRUCTURE AND SERVICES USED BY VISITORS TO ACCESS STATE PARKS; AND

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

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

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

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

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

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

(I) DEVELOP AND MAINTAIN TRANSPORTATION INFRASTRUCTURE; OR

(II) PROVIDE TRANSPORTATION SERVICES RELATED TO RECREATION;

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

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

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

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

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

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

(4) THE DIVISION SHALL COMPLETE THE STUDY DESCRIBED IN THIS SECTION AND MAKE LEGISLATIVE RECOMMENDATIONS TO THE GENERAL ASSEMBLY BY NOVEMBER 1, 2024. THE RECOMMENDATIONS MUST INCLUDE SOURCES FOR FUNDING OR PARTNERSHIPS TO ASSIST IN THE MAINTENANCE OF LOCAL TRANSPORTATION INFRASTRUCTURE AND SERVICES ASSOCIATED WITH STATE PARKS.

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

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

Approved: May 19, 2023