

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0994.01 Richard Sweetman x4333

SENATE BILL 23-267

SENATE SPONSORSHIP

Van Winkle and Cutter, Kolker, Sullivan

HOUSE SPONSORSHIP

Titone and Bradley,

Senate Committees

Agriculture & Natural Resources
Finance
Appropriations

House Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING A WATER QUALITY FEE TO BE PAID FOR ADMISSION TO**
102 **CHATFIELD STATE PARK, AND, IN CONNECTION THEREWITH,**
103 **REQUIRING THE DIVISION OF PARKS AND WILDLIFE TO COLLECT**
104 **THE FEE AND TRANSFER THE AMOUNT OF THE FEE TO THE**
105 **CHATFIELD WATERSHED AUTHORITY.**

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>.)

The bill requires the division of parks and wildlife (division) to require each visitor to Chatfield state park to pay, in addition to any other

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.

SENATE
3rd Reading Unamended
April 25, 2023

SENATE
Amended 2nd Reading
April 24, 2023

fee that the division charges for admission to the park, a water quality fee in the following amount:

- For a person who pays the daily fee to enter the park, the amount of the water quality fee is \$1, to be paid for each visit; and
- For a person who uses an annual parks pass or a keep Colorado wild pass to enter the park, the amount of the water quality fee is \$3, to be paid once annually.

Beginning April 1, 2024, and every 3 months thereafter, the division shall pay the total amount of money collected during the preceding 3 months as water quality fees to the Chatfield watershed authority (authority); except that the division may retain up to 3% of the money to pay the division's administrative expenses. The authority is required to expend the money to provide for a regional, coordinated approach to phosphorous and other nonpoint source pollution control in the Chatfield watershed, including providing for the construction, operation, and maintenance of nonpoint source projects, water quality monitoring, and urban runoff and erosion management and control.

The water quality fee and associated requirements are repealed, effective January 1, 2029.

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

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

(a) Chatfield state park is situated in the lower foothills of the front range on the southwestern edge of Denver, and Chatfield reservoir, located in Chatfield state park, is a 1,400 surface acre water body at the confluence of Plum creek and the South Platte river;

(b) Chatfield reservoir was constructed in 1970 for the purpose of providing regional flood control for the Denver metropolitan area and is a regional water supply source for multiple local and regional water producers;

(c) Chatfield state park is one of the most popular recreation areas in the Denver metropolitan region and in all of Colorado and offers numerous recreational activities, including swimming, boating,

1 paddleboarding, fishing, wildlife viewing, biking, camping, and
2 horseback riding;

3 (d) The Chatfield watershed authority (authority) was established
4 in 1984 when the governor designated the authority as a 208 management
5 agency, in accordance with section 208 of the "Federal Water Pollution
6 Control Act", also known as the federal "Clean Water Act", 33 U.S.C.
7 sec. 1251 et seq.;

8 (e) The authority includes Jefferson county, Douglas county, the
9 town of Castle Rock, the city of Littleton, the town of Larkspur, and
10 water and wastewater providers in the Chatfield watershed;

11 (f) The authority's mission is to promote protection of water
12 quality in the Chatfield watershed for drinking water supplies, recreation,
13 fisheries, and other beneficial uses;

14 (g) The authority preserves these beneficial uses in Chatfield
15 reservoir and in the watershed through the promotion of point source,
16 nonpoint source, and storm water controls;

17 (h) Under regulation 73 of the water quality control commission,
18 the authority is required to limit the total maximum annual load of total
19 phosphorus entering the Chatfield reservoir;

20 (i) The authority continues to implement regulation 73 and
21 coordinate with state and federal agencies regarding water quality control
22 measures;

23 (j) The authority is also required to maintain compliance with
24 chlorophyll-a and phosphorous standards imposed by regulation 38 of the
25 water quality control commission;

26 (k) Since 1984, the authority and its members have monitored
27 water quality in the Chatfield reservoir and upstream in the Chatfield

1 watershed and have undertaken measures to protect water quality in the
2 watershed through voluntary funding contributions and grants;

3 (l) The Chatfield watershed plan identifies opportunities within
4 the watershed to address the chemical, physical, and biological pollutants
5 that impact the watershed, including controlling runoff from wildfire burn
6 areas, reducing phosphorus quantities by stabilizing degraded
7 streambanks, mitigating runoff from agricultural lands, minimizing
8 leachate from septic systems, and providing public education for reducing
9 contamination from the actions of people;

10 (m) The effects of increased floods and wildfires threaten to
11 increase pollutant loadings to Chatfield reservoir; and

12 (n) The authority is unable to qualify for grant programs, which
13 typically require a certain level of matching funds.

14 (2) The general assembly declares that it is in the best interests of
15 the state to:

16 (a) Create a water quality fee to be imposed with the entrance fee
17 that visitors pay to visit Chatfield state park;

18 (b) Require the division of parks and wildlife to collect the water
19 quality fee and pay the amounts collected as water quality fees to the
20 authority; and

21 (c) Require the authority to expend the money to support water
22 quality projects that benefit Chatfield state park, including projects that
23 provide for the construction, operation, and maintenance of nonpoint
24 source projects, water quality monitoring, and urban runoff and erosion
25 management and control.

26

27 **SECTION 2.** In Colorado Revised Statutes, **add** 33-9-114 as

1 follows:

2 **33-9-114. Chatfield state park - water quality fee - Chatfield**
3 **watershed authority - process for requesting a water quality fee -**

4 **definitions - rules.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
5 OTHERWISE REQUIRES:

6 (a) "CHATFIELD WATERSHED AUTHORITY" MEANS THE CHATFIELD
7 WATERSHED AUTHORITY ESTABLISHED BY AN INTERGOVERNMENTAL
8 AGREEMENT EXECUTED PURSUANT TO SECTIONS 29-1-203 AND 29-1-204.2
9 AND INCLUDING THE FOLLOWING MEMBERS:

10 (I) JEFFERSON COUNTY;

11 (II) DOUGLAS COUNTY;

12 (III) THE CITY OF LITTLETON;

13 (IV) THE TOWN OF CASTLE ROCK;

14 (V) THE TOWN OF LARKSPUR;

15 (VI) CASTLE PINES METROPOLITAN DISTRICT;

16 (VII) CENTENNIAL WATER AND SANITATION DISTRICT;

17 (VIII) DOMINION WATER AND SANITATION DISTRICT;

18 (IX) LOUVIERS WATER AND SANITATION DISTRICT;

19 (X) PERRY PARK WATER AND SANITATION DISTRICT;

20 (XI) ROXBOROUGH WATER AND SANITATION DISTRICT;

21 (XII) THE CITY AND COUNTY OF DENVER, ACTING BY AND
22 THROUGH ITS BOARD OF WATER COMMISSIONERS; AND

23 (XIII) THE PLUM CREEK WATER RECLAMATION AUTHORITY.

24 (b) "FUND" MEANS THE PARKS AND OUTDOOR RECREATION CASH
25 FUND CREATED IN SECTION 33-10-111 (1).

26 (c) "WATER QUALITY FEE" MEANS A WATER QUALITY FEE
27 ESTABLISHED BY RULES PROMULGATED BY THE COMMISSION PURSUANT TO

1 SUBSECTION (2) OF THIS SECTION.

2 (2) (a) ON OR BEFORE JULY 1, 2024, THE COMMISSION SHALL
3 PROMULGATE RULES ESTABLISHING:

4 (I) A PROCESS BY WHICH THE CHATFIELD WATERSHED AUTHORITY
5 MAY REQUEST THAT THE COMMISSION CREATE BY RULE A WATER QUALITY
6 FEE TO BE COLLECTED BY THE DIVISION FROM VISITORS TO CHATFIELD
7 STATE PARK;

8 (II) CRITERIA FOR APPROVING A REQUEST FOR A WATER QUALITY
9 FEE; AND

10 (III) CRITERIA FOR DETERMINING WHICH VISITORS TO CHATFIELD
11 STATE PARK SHOULD BE REQUIRED TO PAY A WATER QUALITY FEE; EXCEPT
12 THAT IN PROMULGATING SUCH RULES, THE COMMISSION SHALL ENSURE
13 THAT THE DIVISION SHALL NOT COLLECT A WATER QUALITY FEE FROM A
14 VISITOR WHO HOLDS AN ANNUAL OR LIFETIME PASS TO VISIT STATE PARKS.

15 (b) IN PROMULGATING RULES PURSUANT TO SUBSECTION (2)(a) OF
16 THIS SECTION, THE COMMISSION SHALL ENSURE THAT THE AMOUNT OF A
17 WATER QUALITY FEE:

18 (I) IS ROUNDED TO THE NEAREST DOLLAR; AND

19 (II) DOES NOT EXCEED TWO DOLLARS, EXCEPT AS DESCRIBED IN
20 SUBSECTION (4)(c) OF THIS SECTION.

21 (c) ON AND AFTER JULY 1, 2024, THE COMMISSION MAY CREATE A
22 WATER QUALITY FEE PURSUANT TO RULES PROMULGATED PURSUANT TO
23 THIS SUBSECTION (2).

24 (3) THE COMMISSION SHALL NOT UNREASONABLY DENY A REQUEST
25 BY THE CHATFIELD WATERSHED AUTHORITY TO CREATE A WATER QUALITY
26 FEE AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

27 (4) IF THE COMMISSION ESTABLISHES A WATER QUALITY FEE

1 PURSUANT TO RULES PROMULGATED PURSUANT TO SUBSECTION (2) OF
2 THIS SECTION, THE COMMISSION:

3 (a) SHALL REQUIRE THE CHATFIELD WATERSHED AUTHORITY TO
4 EXPEND UP TO TWENTY-FIVE PERCENT OF THE MONEY RECEIVED FROM THE
5 DIVISION PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION ON WATER
6 QUALITY PROJECTS WITHIN THE BOUNDARIES OF CHATFIELD STATE PARK;

7 (b) MAY INCLUDE ADDITIONAL REQUIREMENTS AND RESTRICTIONS
8 CONCERNING THE EXPENDITURE BY THE CHATFIELD WATERSHED
9 AUTHORITY OF MONEY RECEIVED FROM THE DIVISION PURSUANT TO
10 SUBSECTION (5)(a) OF THIS SECTION ON WATER QUALITY PROJECTS INSIDE
11 THE BOUNDARIES OF CHATFIELD STATE PARK; AND

12 (c) SHALL REVIEW THE WATER QUALITY FEE ON JANUARY 1, 2030,
13 AND ON EACH JANUARY 1 EVERY FIVE YEARS THEREAFTER. AFTER EACH
14 SUCH REVIEW, THE COMMISSION MAY EITHER:

15 (I) ELIMINATE THE WATER QUALITY FEE IF THE COMMISSION
16 DETERMINES THAT THE WATER QUALITY FEE IS NO LONGER NECESSARY; OR

17 (II) ADJUST THE AMOUNT OF THE WATER QUALITY FEE TO
18 ACCOUNT FOR INFLATION OR DEFLATION. IN CALCULATING INFLATION OR
19 DEFLATION, THE COMMISSION SHALL USE THE UNITED STATES
20 DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE
21 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL
22 URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR
23 INDEX.

24 (5) IF THE COMMISSION ESTABLISHES A WATER QUALITY FEE
25 PURSUANT TO RULES PROMULGATED PURSUANT TO SUBSECTION (2) OF
26 THIS SECTION:

27 (a) THE DIVISION SHALL COLLECT THE WATER QUALITY FEE ON AND

1 AFTER JANUARY 1, 2025, IN THE MANNER PRESCRIBED BY RULES OF THE
2 COMMISSION. EXCEPT AS DESCRIBED IN SUBSECTION (5)(c) OF THIS
3 SECTION, THE DIVISION SHALL TRANSFER THE TOTAL AMOUNT OF MONEY
4 COLLECTED AS WATER QUALITY FEES TO THE STATE TREASURER, WHO
5 SHALL CREDIT THE MONEY TO THE FUND. MONEY IN THE FUND THAT WAS
6 COLLECTED AS WATER QUALITY FEES IS CONTINUOUSLY APPROPRIATED TO
7 THE DEPARTMENT FOR ALLOCATION TO THE DIVISION FOR PURPOSES
8 DESCRIBED IN THIS SECTION.

9 (b) BEGINNING JULY 1, 2025, AND EACH SIX MONTHS THEREAFTER,
10 EXCEPT AS DESCRIBED IN SUBSECTION (5)(c) OF THIS SECTION, THE
11 DIVISION SHALL PAY TO THE CHATFIELD WATERSHED AUTHORITY THE
12 TOTAL AMOUNT OF MONEY COLLECTED AS WATER QUALITY FEES DURING
13 THE PRECEDING SIX MONTHS. THE MONEY SHALL BE PAID FROM THE FUND.

14 (c) THE DIVISION SHALL ANNUALLY PERFORM AN ANALYSIS TO
15 DETERMINE THE NET INCREMENTAL COSTS INCURRED BY THE DIVISION IN
16 COLLECTING AND ADMINISTERING THE WATER QUALITY FEE. THE DIVISION
17 MAY RETAIN A PORTION OF THE AMOUNT OF MONEY COLLECTED AS WATER
18 QUALITY FEES TO PAY SUCH COSTS; EXCEPT THAT THE DIVISION SHALL NOT
19 RETAIN MORE THAN THREE AND ONE-THIRD PERCENT OF SUCH MONEY.

20 (6) THE CHATFIELD WATERSHED AUTHORITY SHALL EXPEND THE
21 MONEY RECEIVED FROM THE DIVISION PURSUANT TO SUBSECTION (5)(b) OF
22 THIS SECTION TO SUPPORT WATER QUALITY PROJECTS, INCLUDING
23 PROJECTS THAT PROVIDE FOR THE CONSTRUCTION, OPERATION, AND
24 MAINTENANCE OF NONPOINT SOURCE PROJECTS, WATER QUALITY
25 MONITORING, AND URBAN RUNOFF AND EROSION MANAGEMENT AND
26 CONTROL.

27

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