First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0994.01 Richard Sweetman x4333

SENATE BILL 23-267

SENATE SPONSORSHIP

Van Winkle and Cutter,

HOUSE SPONSORSHIP

Titone and Bradley,

Senate Committees
Agriculture & Natural Resources

House Committees

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

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The water quality fee and associated requirements are repealed, effective January 1, 2029.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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Require the authority 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.

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

follows:

33-9-114. Chatfield state park - water quality fee - Chatfield watershed authority - definition - repeal. (1) AS USED IN THIS SECTION, "CHATFIELD WATERSHED AUTHORITY", OR "AUTHORITY", MEANS THE CHATFIELD WATERSHED AUTHORITY ESTABLISHED BY AN INTERGOVERNMENTAL AGREEMENT EXECUTED PURSUANT TO SECTIONS 29-1-203 AND 29-1-204.2 AND INCLUDING THE FOLLOWING MEMBERS:

(a) JEFFERSON COUNTY;

(b) DOUGLAS COUNTY;

(c) THE CITY OF LITTLETON;

(d) THE TOWN OF CASTLE ROCK;

(e) THE TOWN OF LARKSPUR;

(f) CASTLE PINES METROPOLITAN DISTRICT;

(g) CENTENNNIAL WATER AND SANITATION DISTRICT;

(h) DOMINION WATER AND SANITATION DISTRICT;

(i) LOUVIERS WATER AND SANITATION DISTRICT;

(j) PERRY PARK WATER AND SANITATION DISTRICT;

(k) ROXBOROUGH WATER AND SANITATION DISTRICT;

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

(m) THE PLUM CREEK WATER RECLAMATION AUTHORITY.

(2) ON AND AFTER JANUARY 1, 2024, IN ADDITION TO ANY OTHER FEE THAT THE DIVISION MAY CHARGE VISITORS FOR ADMISSION TO CHATFIELD STATE PARK, THE DIVISION SHALL REQUIRE EACH VISITOR TO PAY A WATER QUALITY FEE IN THE FOLLOWING AMOUNT:

(a) FOR A PERSON WHO PAYS THE DAILY FEE TO ENTER THE PARK, THE AMOUNT OF THE WATER QUALITY FEE IS ONE DOLLAR, TO BE PAID FOR

EACH VISIT; AND

(b) FOR A PERSON WHO USES AN ANNUAL PARKS PASS OR A KEEP COLORADO WILD PASS, AS DESCRIBED IN SECTION 33-12-108, TO ENTER THE PARK, THE AMOUNT OF THE WATER QUALITY FEE IS THREE DOLLARS, TO BE PAID ONCE ANNUALLY.

(3) BEGINNING APRIL 1, 2024, AND EVERY THREE MONTHS THEREAFTER, THE DIVISION SHALL PAY THE TOTAL AMOUNT OF MONEY COLLECTED DURING THE PRECEDING THREE MONTHS AS WATER QUALITY FEES PURSUANT TO SUBSECTION (2) OF THIS SECTION TO THE CHATFIELD WATERSHED AUTHORITY; EXCEPT THAT THE DIVISION MAY RETAIN UP TO THREE PERCENT OF THE MONEY TO PAY THE DIVISION'S ADMINISTRATIVE EXPENSES.

(4) THE AUTHORITY SHALL EXPEND THE MONEY RECEIVED PURSUANT TO SUBSECTION (3) OF THIS SECTION 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.

(5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2029.

SECTION 3. 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

1 effect unless approved by the people at the general election to be held in
2 November 2024 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.

SB 23-267

Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 23-0994	**Date:**	April 10, 2023
Prime Sponsors:	Sen. Van Winkle; Cutter Rep. Titone; Bradley	**Bill Status:**	Senate Agriculture
		Fiscal Analyst:	Matt Bishop | 303-866-4796 matt.bishop@coleg.gov

Bill Topic: **CHATFIELD STATE PARK WATER QUALITY FEE**

Summary of Fiscal Impact:

☒ State Revenue
☒ State Expenditure
☐ State Transfer
☐ TABOR Refund
☒ Local Government
☐ Statutory Public Entity

The bill institutes a fee to support water quality efforts by the Chatfield Watershed Authority. It increases state revenue and expenditures in FY 2023-24 through FY 2028-29.

Appropriation Summary: For FY 2023-24, the bill requires an appropriation of $250,000 to the Department of Natural Resources.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under SB 23-267

		Budget Year FY 2023-24	Out Year FY 2024-25
Revenue	Cash Funds	$250,000	$500,000
Expenditures	Cash Funds	$250,000	$500,000
Transfers		-	-
Other Budget Impacts		-	-

Summary of Legislation

From 2024 through 2028, the Department of Natural Resources (DNR) must charge a water quality fee to visitors to Chatfield State Park. The fee is $1 per visit for a daily admission, or $3 annually for a person who uses certain annual passes. The DNR must pay the total water quality fees collected to the Chatfield Watershed Authority quarterly, less three percent to cover administrative expenses. The authority must use the money to provide for a regional, coordinated approach to pollution control, including water quality monitoring and pollution mitigation projects.

Background and Assumptions

The Chatfield Watershed Authority includes Jefferson county, Douglas county, the town of Castle Rock, the city of Littleton, the town of Larkspur, and water and wastewater providers monitor and protect water quality in the Chatfield reservoir and watershed. In FY 2021-22, Chatfield State Park received an estimated 1.82 million visitors. Park entry is $10 per vehicle for a day pass. Attendance estimates are based on park entry data collected by DNR and uptake of the Keep Colorado Wild pass.

State Revenue

The bill increases revenue to the Parks and Recreation Cash Fund in the DNR from the water quality fee by an estimated $500,000 per year, with half-year impacts in FY 2023-24 and FY 2028-29, based on the assumptions above. Because Colorado Parks and Wildlife has enterprise status, this revenue is not subject to TABOR.

Fee impact on park visitors. Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. The table below identifies the fee impact of this bill based on the fee levels in the bill and the assumptions above.

Table 2
Fee Impact on Visitors to Chatfield State Park

Fiscal Year	Type of Fee	Proposed Fee	Number Affected	Total Fee Impact
FY 2023-24	Water Quality—Daily	$1.00	13,889	$13,889
	Water Quality—Annual	$3.00	78,704	$236,111
		FY 2023-24 Total		**$250,000**
FY 2024-25	Water Quality—Daily	$1.00	27,779	$27,779
	Water Quality—Annual	$3.00	157,407	$472,221
		FY 2024-25 Total		**$500,000**

State Expenditures

The bill increases state expenditures in DNR by the same amount as the revenue generated, paid from the Parks and Outdoor Recreation Cash Fund. Less administrative expenses, fees collected are passed through DNR to the Chatfield Watershed Authority. Expenditures are shown in Table 3.

Table 3
Expenditures Under SB 23-267

	FY 2023-24	FY 2024-25
Department of Natural Resources		
Payment to Chatfield Watershed Authority	$242,500	$485,000
Administrative Costs	$7,500	$15,000
Total Cost	**$250,000**	**$500,000**

Local Government

The Chatfield Watershed Authority is an intergovernmental agency whose members are counties, municipalities, and certain municipal districts and authorities in the watershed. The bill increases revenue and expenditures in the Chatfield Watershed Authority by the amounts of the payments shown in Table 3.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2023-24, the bill requires an appropriation of $250,000 from the Parks and Outdoor Recreation Cash Fund to the Department of Natural Resources.

State and Local Government Contacts

Natural Resources