

**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**

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**SENATE SPONSORSHIP**

**Van Winkle and Cutter, Kolker, Sullivan**

**HOUSE SPONSORSHIP**

**Titone and Bradley,**

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**Senate Committees**

Agriculture & Natural Resources  
Finance  
Appropriations

**House Committees**

Finance  
Appropriations

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**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 AND MAKING AN**  
106              **APPROPRIATION.**

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**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

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

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.

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

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

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

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

12 (c) Chatfield state park is one of the most popular recreation areas  
13 in the Denver metropolitan region and in all of Colorado and offers

1 numerous recreational activities, including swimming, boating,  
2 paddleboarding, fishing, wildlife viewing, biking, camping, and  
3 horseback riding;

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

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

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

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

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

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

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

27 (k) Since 1984, the authority and its members have monitored

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

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

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

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

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

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

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

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

27

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

3           **33-9-114. Chatfield state park - water quality fee - Chatfield**  
4 **watershed authority - process for requesting a water quality fee -**  
5 **definitions - rules.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
6 OTHERWISE REQUIRES:

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

- 11           (I) JEFFERSON COUNTY;
- 12           (II) DOUGLAS COUNTY;
- 13           (III) THE CITY OF LITTLETON;
- 14           (IV) THE TOWN OF CASTLE ROCK;
- 15           (V) THE TOWN OF LARKSPUR;
- 16           (VI) CASTLE PINES METROPOLITAN DISTRICT;
- 17           (VII) CENTENNIAL WATER AND SANITATION DISTRICT;
- 18           (VIII) DOMINION WATER AND SANITATION DISTRICT;
- 19           (IX) LOUVIERS WATER AND SANITATION DISTRICT;
- 20           (X) PERRY PARK WATER AND SANITATION DISTRICT;
- 21           (XI) ROXBOROUGH WATER AND SANITATION DISTRICT;
- 22           (XII) THE CITY AND COUNTY OF DENVER, ACTING BY AND  
23 THROUGH ITS BOARD OF WATER COMMISSIONERS; AND
- 24           (XIII) THE PLUM CREEK WATER RECLAMATION AUTHORITY.

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

27           (c) "WATER QUALITY FEE" MEANS A WATER QUALITY FEE

1 ESTABLISHED BY RULES PROMULGATED BY THE COMMISSION PURSUANT TO  
2 SUBSECTION (2) OF THIS SECTION.

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

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

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

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

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

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

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

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

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

1 (4) IF THE COMMISSION ESTABLISHES A WATER QUALITY FEE  
2 PURSUANT TO RULES PROMULGATED PURSUANT TO SUBSECTION (2) OF  
3 THIS SECTION, THE COMMISSION:

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

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

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

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

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

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

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

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

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

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



1            **SECTION 3. Appropriation.** For the 2023-24 state fiscal year,  
2            \$250,000 is appropriated to the department of natural resources for use  
3            by the division of parks and wildlife. This appropriation is from the parks  
4            and outdoor recreation cash fund created in section 33-10-111 (1), C.R.S.  
5            To implement this act, the division may use this appropriation for  
6            payment to the chatfield water authority and related administrative costs.

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