

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

SB23-267 be amended as follows:

1 Amend reengrossed bill, page 4, strike lines 22 through 24 and substitute:  
2 "(c) Require the authority to expend the money to support water  
3 quality projects that benefit Chatfield state park, including projects that  
4 provide for the".

5 Strike page 5.

6 Page 6, strike lines 1 through 22 and substitute:

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

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

13 (a) "CHATFIELD WATERSHED AUTHORITY" MEANS THE CHATFIELD  
14 WATERSHED AUTHORITY ESTABLISHED BY AN INTERGOVERNMENTAL  
15 AGREEMENT EXECUTED PURSUANT TO SECTIONS 29-1-203 AND 29-1-204.2  
16 AND INCLUDING THE FOLLOWING MEMBERS:

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

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

33 (c) "WATER QUALITY FEE" MEANS A WATER QUALITY FEE  
34 ESTABLISHED BY RULES PROMULGATED BY THE COMMISSION PURSUANT TO  
35 SUBSECTION (2) OF THIS SECTION.

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

38 (I) A PROCESS BY WHICH THE CHATFIELD WATERSHED AUTHORITY

1 MAY REQUEST THAT THE COMMISSION CREATE BY RULE A WATER QUALITY  
2 FEE TO BE COLLECTED BY THE DIVISION FROM VISITORS TO CHATFIELD  
3 STATE PARK;  
4 (II) CRITERIA FOR APPROVING A REQUEST FOR A WATER QUALITY  
5 FEE; AND  
6 (III) CRITERIA FOR DETERMINING WHICH VISITORS TO CHATFIELD  
7 STATE PARK SHOULD BE REQUIRED TO PAY A WATER QUALITY FEE; EXCEPT  
8 THAT IN PROMULGATING SUCH RULES, THE COMMISSION SHALL ENSURE  
9 THAT THE DIVISION SHALL NOT COLLECT A WATER QUALITY FEE FROM A  
10 VISITOR WHO HOLDS AN ANNUAL OR LIFETIME PASS TO VISIT STATE PARKS.  
11 (b) IN PROMULGATING RULES PURSUANT TO SUBSECTION (2)(a) OF  
12 THIS SECTION, THE COMMISSION SHALL ENSURE THAT THE AMOUNT OF A  
13 WATER QUALITY FEE:  
14 (I) IS ROUNDED TO THE NEAREST DOLLAR; AND  
15 (II) DOES NOT EXCEED TWO DOLLARS, EXCEPT AS DESCRIBED IN  
16 SUBSECTION (4)(c) OF THIS SECTION.  
17 (c) ON AND AFTER JULY 1, 2024, THE COMMISSION MAY CREATE A  
18 WATER QUALITY FEE PURSUANT TO RULES PROMULGATED PURSUANT TO  
19 THIS SUBSECTION (2).  
20 (3) THE COMMISSION SHALL NOT UNREASONABLY DENY A REQUEST  
21 BY THE CHATFIELD WATERSHED AUTHORITY TO CREATE A WATER QUALITY  
22 FEE AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION.  
23 (4) IF THE COMMISSION ESTABLISHES A WATER QUALITY FEE  
24 PURSUANT TO RULES PROMULGATED PURSUANT TO SUBSECTION (2) OF  
25 THIS SECTION, THE COMMISSION:  
26 (a) SHALL REQUIRE THE CHATFIELD WATERSHED AUTHORITY TO  
27 EXPEND UP TO TWENTY-FIVE PERCENT OF THE MONEY RECEIVED FROM THE  
28 DIVISION PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION ON WATER  
29 QUALITY PROJECTS WITHIN THE BOUNDARIES OF CHATFIELD STATE PARK;  
30 (b) MAY INCLUDE ADDITIONAL REQUIREMENTS AND RESTRICTIONS  
31 CONCERNING THE EXPENDITURE BY THE CHATFIELD WATERSHED  
32 AUTHORITY OF MONEY RECEIVED FROM THE DIVISION PURSUANT TO  
33 SUBSECTION (5)(a) OF THIS SECTION ON WATER QUALITY PROJECTS INSIDE  
34 THE BOUNDARIES OF CHATFIELD STATE PARK; AND  
35 (c) SHALL REVIEW THE WATER QUALITY FEE ON JANUARY 1, 2030,  
36 AND ON EACH JANUARY 1 EVERY FIVE YEARS THEREAFTER. AFTER EACH  
37 SUCH REVIEW, THE COMMISSION MAY EITHER:  
38 (I) ELIMINATE THE WATER QUALITY FEE IF THE COMMISSION  
39 DETERMINES THAT THE WATER QUALITY FEE IS NO LONGER NECESSARY; OR  
40 (II) ADJUST THE AMOUNT OF THE WATER QUALITY FEE TO  
41 ACCOUNT FOR INFLATION OR DEFLATION. IN CALCULATING INFLATION OR  
42 DEFLATION, THE COMMISSION SHALL USE THE UNITED STATES  
43 DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE  
44 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL  
45 URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR

1 INDEX.

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

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

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

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

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

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