

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

INTRODUCED

LLS NO. 24-0834.01 Jessica Herrera x4218

HOUSE BILL 24-1062

HOUSE SPONSORSHIP

Evans and Titone,

SENATE SPONSORSHIP

Priola,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ADMINISTRATIVE INSPECTION WARRANTS FOR A**
102 **METROPOLITAN SEWAGE DISPOSAL DISTRICT.**

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>.)

To protect public health and the environment, a metropolitan sewage disposal district (district) is required to ensure that wastewater generated by local businesses is properly treated pursuant to the industrial pretreatment program (program) approved by the environmental protection agency. This requires district inspectors to inspect certain

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.

properties to investigate actual, suspected, or potential violations of the program. Under current law, the boundaries of a district may exist within multiple municipal and county lines, which makes it challenging for the district to obtain administrative inspection warrants when property owners deny district inspectors entry to a property. The bill allows authorized inspectors of a district to enter and inspect, in a reasonable time and manner, any property for the purpose of investigating any violations of the program. If an inspection is denied, the bill authorizes a district to obtain a warrant from the district court or county court upon a proper showing of the need for entry and inspection.

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-4-510, **add** (1)(jj)
3 as follows:

4 **32-4-510. Powers of the district.** (1) Any district has the
5 following powers:

6 (jj) (I) FOR AUTHORIZED INSPECTORS OF THE DISTRICT, UPON
7 PRESENTATION OF PROPER CREDENTIALS, TO ENTER AND INSPECT AT ANY
8 REASONABLE TIME AND IN A REASONABLE MANNER, ANY PROPERTY,
9 PREMISES, OR PLACE FOR THE PURPOSE OF INVESTIGATING ANY ACTUAL,
10 SUSPECTED, OR POTENTIAL VIOLATIONS OF THE ENVIRONMENTAL
11 PROTECTION AGENCY'S APPROVED INDUSTRIAL PRETREATMENT PROGRAM
12 PURSUANT TO 40 CFR 403. THE INSPECTORS MAY OBTAIN SAMPLES OF
13 WASTEWATER. THE DISTRICT MAY FURNISH A COPY OF THE RESULTS OF
14 ANY ANALYSIS OF THE SAMPLE TO THE OWNER, OPERATOR, OR PERSON IN
15 CHARGE OF THE PROPERTY, PREMISES, OR PLACE.

16 (II) IF THE OWNER, OPERATOR, OR PERSON IN CHARGE OF ANY
17 PROPERTY, PREMISES, OR PLACE DENIES ENTRY OR INSPECTION, THE
18 DISTRICT MAY OBTAIN FROM THE DISTRICT COURT OR COUNTY COURT FOR
19 THE JUDICIAL DISTRICT OR COUNTY IN WHICH SUCH PROPERTY, PREMISES,
20 OR PLACE IS LOCATED, A WARRANT TO ENTER AND INSPECT THE PROPERTY,

1 PREMISES, OR PLACE. THE DISTRICT COURTS AND COUNTY COURTS OF THE
2 STATE MAY ISSUE A WARRANT AS SPECIFIED IN THIS SUBSECTION (1)(jj)(II)
3 UPON A DISTRICT'S PROPER SHOWING OF THE NEED FOR ENTRY AND
4 INSPECTION.

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