

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0867.01 Jennifer Berman x3286

SENATE BILL 24-148

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SENATE SPONSORSHIP

Van Winkle,

HOUSE SPONSORSHIP

(None),

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Senate Committees

Agriculture & Natural Resources

House Committees

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A BILL FOR AN ACT

101 CONCERNING ALLOWING CERTAIN FACILITIES TO USE WATER  
102 DETAINED IN A STORM WATER DETENTION AND INFILTRATION  
103 FACILITY FOR PRECIPITATION HARVESTING.

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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>.)*

Under current law, an entity that owns, operates, or has oversight over a storm water detention and infiltration facility (facility) is not allowed to divert, store, or otherwise use water detained in the facility. For facilities that are also approved for use as a precipitation harvesting facility, either through a substitute water supply plan or an augmentation

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.*

plan, the bill authorizes the use of water detained in the facility for precipitation harvesting.

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

2           **SECTION 1.** In Colorado Revised Statutes, 37-92-602, **amend**  
3 (8)(h) as follows:

4           **37-92-602. Exemptions - presumptions - stream restoration**  
5 **projects - report - legislative declaration - definitions.** (8) (h) ~~The~~  
6 ~~provisions of~~ This subsection (8) relating to storm water detention and  
7 infiltration facilities ~~do~~ DOES not apply to:

8           (I) Fountain creek and its tributaries, except for facilities required  
9 by or operated in compliance with a Colorado discharge permit system  
10 municipal separate storm sewer system permit issued by the department  
11 of public health and environment pursuant to article 8 of title 25; ~~C.R.S.~~  
12 OR

13           (II) A FACILITY THAT:

14           (A) IS A PRECIPITATION HARVESTING FACILITY LOCATED WITHIN  
15 A STORM WATER DETENTION AND INFILTRATION FACILITY OR A SINGLE  
16 INTEGRATED STORM WATER DETENTION AND INFILTRATION FACILITY USED  
17 FOR PRECIPITATION HARVESTING; AND

18           (B) HAS BEEN APPROVED PURSUANT TO SECTION 37-60-115 (6),  
19 EITHER AS AN AUTHORIZED PILOT PROJECT OPERATING IN ACCORDANCE  
20 WITH A STATE-ENGINEER-APPROVED SUBSTITUTE WATER SUPPLY PLAN OR  
21 AS A PERMANENT PROJECT OPERATING IN ACCORDANCE WITH A  
22 WATER-COURT-DECREED AUGMENTATION PLAN.

23           **SECTION 2. Act subject to petition - effective date.** This act  
24 takes effect at 12:01 a.m. on the day following the expiration of the  
25 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
2 of the state constitution against this act or an item, section, or part of this  
3 act within such period, then the act, item, section, or part will not take  
4 effect unless approved by the people at the general election to be held in  
5 November 2024 and, in such case, will take effect on the date of the  
6 official declaration of the vote thereon by the governor.