

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

January 25, 2024

Date

Committee on Agriculture & Natural Resources.

After consideration on the merits, the Committee recommends the following:

SB24-005 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** article 99 to
4 title 37 as follows:

5 **ARTICLE 99**
6 **Prohibition of Nonfunctional Turf,**
7 **Artificial Turf, and Invasive Plant Species**

8 **37-99-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
9 FINDS THAT:

10 (a) AS COLORADO CONTINUES TO GRAPPLE WITH THE IMPACTS OF
11 CLIMATE CHANGE, GREEN URBAN SPACES, SUCH AS URBAN TREE CANOPIES,
12 ARE A VITAL ADAPTATION TOOL FOR MITIGATING THE IMPACTS OF CLIMATE
13 CHANGE, ESPECIALLY FOR MITIGATING THE URBAN HEAT ISLAND EFFECT,
14 WHICH CAN INCREASE ENERGY COSTS, AIR POLLUTION, AND HEAT-RELATED
15 ILLNESSES AND DEATHS;

16 (b) HOWEVER, WATER SUPPLY IN THE WESTERN UNITED STATES IS
17 UNDER INCREASING PRESSURE DUE TO CLIMATE CHANGE AND INCREASING
18 DEMAND;

19 (c) MANY COMMUNITIES IN THE STATE OVERUSE NONNATIVE
20 GRASS FOR LANDSCAPING PURPOSES, WHICH REQUIRES LARGE AMOUNTS
21 OF WATER TO MAINTAIN;

22 (d) WHILE THERE ARE APPROPRIATE AND IMPORTANT USES FOR
23 TURF, INCLUDING FOR CIVIC, COMMUNITY, OR RECREATIONAL PURPOSES
24 SUCH AS USE IN PARKS, SPORTS FIELDS, AND PLAYGROUNDS, MUCH OF THE
25 TURF IN THE STATE IS NONFUNCTIONAL, LOCATED IN AREAS THAT RECEIVE
26 LITTLE, IF ANY, USE, AND COULD BE REPLACED WITH LANDSCAPING THAT
27 ADHERES TO WATER-WISE LANDSCAPING PRINCIPLES WITHOUT ADVERSELY

1 IMPACTING QUALITY OF LIFE OR LANDSCAPE FUNCTIONALITY;

2 (e) PROHIBITING THE INSTALLATION, PLANTING, OR PLACEMENT OF

3 NONFUNCTIONAL TURF IN APPLICABLE PROPERTY IN THE STATE CAN HELP

4 CONSERVE THE STATE'S WATER RESOURCES;

5 (f) INSTALLED VEGETATION THAT ADHERES TO WATER-WISE

6 LANDSCAPING PRINCIPLES CAN HELP REDUCE OUTDOOR DEMAND OF

7 WATER; AND

8 (g) ADDITIONALLY, ARTIFICIAL TURF CAN CAUSE NEGATIVE

9 ENVIRONMENTAL IMPACTS, SUCH AS EXACERBATING HEAT ISLAND EFFECTS

10 IN URBAN AREAS AND RELEASING HARMFUL CHEMICALS, INCLUDING

11 PLASTICS, MICROPLASTICS, AND PERFLUOROALKYL AND

12 POLYFLUOROALKYL CHEMICALS, INTO THE ENVIRONMENT AND

13 WATERSHEDS.

14 (2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT

15 PREVENTING THE INSTALLATION, PLANTING, OR PLACEMENT OF

16 NONFUNCTIONAL TURF, ARTIFICIAL TURF, AND INVASIVE PLANT SPECIES IN

17 APPLICABLE PROPERTY IN THE STATE IS:

18 (a) A MATTER OF STATEWIDE CONCERN; AND

19 (b) IN THE PUBLIC INTEREST.

20 **37-99-102. Definitions.** AS USED IN THIS ARTICLE 99, UNLESS THE

21 CONTEXT OTHERWISE REQUIRES:

22 (1) (a) "APPLICABLE PROPERTY" MEANS:

23 (I) COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTY;

24 (II) COMMON INTEREST COMMUNITY PROPERTY; OR

25 (III) A STREET RIGHT-OF-WAY, PARKING LOT, MEDIAN, OR

26 TRANSPORTATION CORRIDOR.

27 (b) "APPLICABLE PROPERTY" DOES NOT INCLUDE RESIDENTIAL

28 PROPERTY.

29 (2) "ARTIFICIAL TURF" MEANS AN INSTALLATION OF SYNTHETIC

30 MATERIALS DEVELOPED TO RESEMBLE NATURAL GRASS.

31 (3) "COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL" HAS THE

32 MEANING SET FORTH IN SECTION 37-60-135 (2)(b).

33 (4) "COMMON INTEREST COMMUNITY" HAS THE MEANING SET

34 FORTH IN SECTION 38-33.3-103 (8).

35 (5) "COMMON INTEREST COMMUNITY PROPERTY" MEANS

36 PROPERTY WITHIN A COMMON INTEREST COMMUNITY THAT IS OWNED AND

37 MAINTAINED BY A UNIT OWNERS' ASSOCIATION, SUCH AS ENTRYWAYS,

38 PARKS, AND OTHER COMMON ELEMENTS AS DEFINED IN SECTION

39 38-33.3-103 (5).

40 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL

41 CREATED IN SECTION 24-1-128 (1).

42 (7) "FUNCTIONAL TURF" MEANS TURF THAT IS LOCATED IN A

43 RECREATIONAL USE AREA OR OTHER SPACE THAT IS REGULARLY USED FOR

1 CIVIC, COMMUNITY, OR RECREATIONAL PURPOSES, WHICH MAY INCLUDE
2 PLAYGROUNDS; SPORTS FIELDS; PICNIC GROUNDS; AMPHITHEATERS;
3 PORTIONS OF PARKS; AND THE PLAYING AREAS OF GOLF COURSES, SUCH AS
4 DRIVING RANGES, CHIPPING AND PUTTING GREENS, TEE BOXES, GREENS,
5 FAIRWAYS, AND ROUGHS.

6 (8) "INVASIVE PLANT SPECIES" HAS THE MEANING SET FORTH IN
7 SECTION 37-60-135 (2)(e).

8 (9) "LOCAL ENTITY" MEANS A:

9 (a) HOME RULE OR STATUTORY CITY, COUNTY, CITY AND COUNTY,
10 TERRITORIAL CHARTER CITY, OR TOWN; AND

11 (b) SPECIAL DISTRICT.

12 (10) "MAINTAIN" OR "MAINTAINING" MEANS AN ACTION TO
13 PRESERVE THE EXISTING STATE OF NONFUNCTIONAL TURF, ARTIFICIAL
14 TURF, OR AN INVASIVE PLANT SPECIES THAT HAS ALREADY BEEN
15 INSTALLED, PLANTED, OR PLACED.

16 (11) "NATIVE PLANT" MEANS A PLANT SPECIES THAT IS
17 INDIGENOUS TO THE STATE OF COLORADO.

18 (12) "NEW DEVELOPMENT PROJECT" MEANS A NEW CONSTRUCTION
19 PROJECT THAT REQUIRES A BUILDING OR LANDSCAPING PERMIT, PLAN
20 CHECK, OR DESIGN REVIEW.

21 (13) (a) "NONFUNCTIONAL TURF" MEANS TURF THAT IS NOT
22 FUNCTIONAL TURF.

23 (b) "NONFUNCTIONAL TURF" INCLUDES TURF LOCATED IN A STREET
24 RIGHT-OF-WAY, PARKING LOT, MEDIAN, OR TRANSPORTATION CORRIDOR.

25 (14) "REDEVELOPMENT PROJECT" MEANS A CONSTRUCTION
26 PROJECT THAT:

27 (a) REQUIRES A BUILDING OR LANDSCAPING PERMIT, PLAN CHECK,
28 OR DESIGN REVIEW; AND

29 (b) RESULTS IN A DISTURBANCE OF MORE THAN FIFTY PERCENT OF
30 THE AGGREGATE LANDSCAPE AREA.

31 (15) "SPECIAL DISTRICT" HAS THE MEANING SET FORTH IN SECTION
32 32-1-103 (20).

33 (16) "TRANSPORTATION CORRIDOR" MEANS A TRANSPORTATION
34 SYSTEM THAT INCLUDES ALL MODES AND FACILITIES WITHIN A DESCRIBED
35 GEOGRAPHIC AREA, HAVING LENGTH AND WIDTH.

36 (17) "TURF" HAS THE MEANING SET FORTH IN SECTION 37-60-135
37 (2)(i).

38 (18) "UNIT OWNERS' ASSOCIATION" HAS THE MEANING SET FORTH
39 IN SECTION 38-33.3-103 (3).

40 (19) "WATER-WISE LANDSCAPING" HAS THE MEANING SET FORTH
41 IN SECTION 37-60-135 (2)(l).

42 **37-99-103. Prohibition of nonfunctional turf, artificial turf,
43 and invasive plant species - local entities - construction or renovation**

1 **of state facilities.** (1) ON AND AFTER JANUARY 1, 2026, A LOCAL ENTITY
2 SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW ANY PERSON TO
3 INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF,
4 OR INVASIVE PLANT SPECIES, AS PART OF A NEW DEVELOPMENT PROJECT
5 OR REDEVELOPMENT PROJECT, ON ANY PORTION OF APPLICABLE PROPERTY
6 WITHIN THE LOCAL ENTITY'S JURISDICTION.

7 (2) ON OR BEFORE JANUARY 1, 2026, A LOCAL ENTITY SHALL
8 ENACT OR AMEND ORDINANCES, RESOLUTIONS, REGULATIONS, OR OTHER
9 LAWS REGULATING NEW DEVELOPMENT PROJECTS AND REDEVELOPMENT
10 PROJECTS ON APPLICABLE PROPERTY IN ACCORDANCE WITH THE
11 REQUIREMENTS OF THIS SECTION.

12 (3) THE DEPARTMENT SHALL NOT INSTALL, PLANT, OR PLACE, OR
13 ALLOW ANY PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL
14 TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES AS PART OF A PROJECT
15 FOR THE CONSTRUCTION OR RENOVATION OF A STATE FACILITY, WHICH
16 PROJECT COMMENCES ON OR AFTER JANUARY 1, 2025.

17 (4) NOTHING IN THIS SECTION PROHIBITS:

18 (a) A LOCAL ENTITY FROM MAINTAINING, OR ALLOWING ANY
19 PERSON TO MAINTAIN, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR
20 INVASIVE PLANT SPECIES INSTALLED, PLANTED, OR PLACED BEFORE
21 JANUARY 1, 2026;

22 (b) THE DEPARTMENT FROM MAINTAINING, OR ALLOWING ANY
23 PERSON TO MAINTAIN, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR
24 INVASIVE PLANT SPECIES INSTALLED, PLANTED, OR PLACED AT A STATE
25 FACILITY BEFORE JANUARY 1, 2025;

26 (c) A LOCAL ENTITY OR THE DEPARTMENT FROM INSTALLING, OR
27 ALLOWING ANY PERSON TO INSTALL, GRASS SEED OR SOD THAT IS A NATIVE
28 PLANT OR HAS BEEN HYBRIDIZED FOR ARID CONDITIONS;

29 (d) A LOCAL ENTITY OR THE DEPARTMENT FROM ESTABLISHING
30 PROHIBITIONS ON, OR REQUIREMENTS FOR, NONFUNCTIONAL TURF,
31 ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES THAT ARE MORE STRINGENT
32 THAN THE REQUIREMENTS OF THIS SECTION; OR

33 (e) A LOCAL ENTITY OR THE DEPARTMENT FROM INSTALLING, OR
34 ALLOWING ANY PERSON TO INSTALL, ARTIFICIAL TURF ON ATHLETIC FIELDS
35 OF PLAY.

36 **SECTION 2. Act subject to petition - effective date -**
37 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
38 the expiration of the ninety-day period after final adjournment of the
39 general assembly; except that, if a referendum petition is filed pursuant
40 to section 1 (3) of article V of the state constitution against this act or an
41 item, section, or part of this act within such period, then the act, item,
42 section, or part will not take effect unless approved by the people at the
43 general election to be held in November 2024 and, in such case, will take

1 effect on the date of the official declaration of the vote thereon by the
2 governor.

3 (2) This act does not apply to projects approved by the department
4 of personnel or a local entity before the effective date of this act."

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