

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 22-0573.02 Jennifer Berman x3286

HOUSE BILL 22-1151

HOUSE SPONSORSHIP

Catlin and Roberts, Amabile, Bacon, Benavidez, Bernett, Bird, Boesenecker, Caraveo, Cutter, Esgar, Froelich, Garnett, Holtorf, Hooton, Jodeh, Kipp, Lindsay, Lontine, McCluskie, McCormick, McKean, Michaelson Jenet, Pico, Sirota, Snyder, Soper, Tipper, Titone, Valdez A., Valdez D., Weissman, Will, Woodrow, Young

SENATE SPONSORSHIP

Bridges and Simpson, Buckner, Fenberg, Hansen, Hinrichsen, Jaquez Lewis, Lee, Moreno, Pettersen, Winter

House Committees

Agriculture, Livestock, & Water
Appropriations

Senate Committees

Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO INCENTIVIZE WATER-WISE LANDSCAPES,**
102 **AND, IN CONNECTION THEREWITH, CREATING A STATE PROGRAM**
103 **TO FINANCE THE VOLUNTARY REPLACEMENT OF IRRIGATED**
104 **TURF, AND MAKING AN APPROPRIATION.**

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 Colorado water conservation board (board) to develop a statewide program to provide financial incentives for the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
May 9, 2022

SENATE
Amended 2nd Reading
May 6, 2022

HOUSE
3rd Reading Unamended
May 4, 2022

HOUSE
Amended 2nd Reading
May 3, 2022

voluntary replacement of irrigated turf with water-wise landscaping (turf replacement program). The bill defines water-wise landscaping as a water- and plant-management practice that emphasizes using plants with lower water needs. Local governments, certain districts, Native American tribes, and nonprofit organizations with their own turf replacement programs may apply to the board for money to help finance their turf replacement programs. The board will contract with one or more third parties to administer one or more turf replacement programs in areas where local turf replacement programs do not exist.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 37-60-134 as
3 follows:

4 **37-60-134. State turf replacement program - creation -**
5 **administration - turf replacement fund - creation - legislative**
6 **declaration - definitions - repeal.** (1) THE GENERAL ASSEMBLY FINDS
7 AND DECLARES THAT:

8 (a) PROMOTING THE EFFICIENT AND MAXIMUM UTILIZATION OF
9 COLORADO'S WATER RESOURCES BY DECREASING THE AMOUNT OF
10 IRRIGATED TURF CAN:

11 (I) INCREASE COMMUNITIES' RESILIENCE REGARDING DROUGHT
12 AND CLIMATE CHANGE;

13 (II) REDUCE THE SALE OF AGRICULTURAL WATER RIGHTS IN
14 RESPONSE TO INCREASED DEMAND FOR MUNICIPAL WATER USE; AND

15 (III) PROTECT RIVER FLOWS;

16 (b) IRRIGATION OF OUTDOOR LANDSCAPING ACCOUNTS FOR
17 NEARLY HALF OF WATER USE WITHIN THE MUNICIPAL AND INDUSTRIAL
18 SECTORS OF THE STATE AND IS MOSTLY USED FOR IRRIGATION OF
19 NONNATIVE TURF GRASS;

20 (c) WHILE THERE ARE APPROPRIATE AND IMPORTANT USES FOR

1 IRRIGATED TURF, INCLUDING FOR PARKS, SPORTS FIELDS, PLAYGROUNDS,
2 AND PORTIONS OF RESIDENTIAL YARDS, MUCH OF THE TURF IN THE STATE
3 IS NONESSENTIAL AND IS LOCATED IN AREAS THAT RECEIVE LITTLE, IF ANY,
4 USE. SUCH IRRIGATED TURF COULD BE REPLACED WITH WATER-WISE
5 LANDSCAPING WITHOUT IMPACTING QUALITY OF LIFE OR LANDSCAPE
6 FUNCTIONALITY.

7 (d) EXAMPLES OF NONESSENTIAL TURF INCLUDE TURF USED FOR:

8 (I) MEDIANS;

9 (II) AREAS ADJACENT TO OPEN SPACES OR TRANSPORTATION
10 CORRIDORS;

11 (III) AREAS SLOPED WITH MORE THAN A TWENTY-FIVE PERCENT
12 GRADE;

13 (IV) STORM WATER DRAINAGE AND DETENTION BASINS;

14 (V) COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTIES;

15 (VI) COMMON ELEMENTS IN A COMMON INTEREST COMMUNITY, AS
16 THOSE TERMS ARE DEFINED IN SECTION 38-33.3-103; AND

17 (VII) PORTIONS OF RESIDENTIAL YARDS;

18 (e) WATER-WISE LANDSCAPING MUST PLAY A CRITICAL ROLE IN
19 PROVIDING SUBSTANTIAL AND PERMANENT WATER SAVINGS AND IN
20 MINIMIZING WATER WASTE IN COLORADO COMMUNITIES;

21 (f) LOCAL JURISDICTIONS SHOULD ESTABLISH POLICIES THAT
22 REDUCE NONESSENTIAL TURF USED FOR NEW DEVELOPMENTS OR
23 REDEVELOPED AREAS AND INCREASE THE USE OF WATER-WISE
24 LANDSCAPING;

25 (g) THE STATE MUST PRIORITIZE THE USE OF WATER-WISE
26 LANDSCAPING FOR EXISTING AND NEW STATE GOVERNMENT PROPERTIES;

27 (h) TURF REPLACEMENT PROGRAMS PROVIDE A PROVEN AND

1 EFFECTIVE STRATEGY FOR REDUCING OUTDOOR WATER DEMAND
2 SIGNIFICANTLY, AND EVIDENCE FROM EXISTING PROGRAMS
3 DEMONSTRATES THAT, FOR EACH ACRE OF TURF REMOVED, ONE TO TWO
4 ACRE-FEET PER YEAR OF WATER SAVINGS CAN BE REALIZED, MEANING
5 THAT FOR EVERY ONE HUNDRED ACRES OF TURF CONVERTED TO
6 WATER-WISE LANDSCAPES, UP TO TWO HUNDRED ACRE-FEET PER YEAR OF
7 WATER MAY BE CONSERVED; AND

8 (i) THE BOARD SHOULD DEVELOP A STATE TURF REPLACEMENT
9 PROGRAM TO INCENTIVIZE THE VOLUNTARY REPLACEMENT OF IRRIGATED
10 TURF ON RESIDENTIAL PROPERTIES AND COMMERCIAL, INSTITUTIONAL, OR
11 INDUSTRIAL PROPERTIES AS A MEANS OF RESPONDING TO INCREASED
12 WATER DEMAND THROUGHOUT THE STATE.

13 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
14 REQUIRES:

15 (a) "CAMPUS" MEANS A COLLECTION OF TWO OR MORE BUILDINGS
16 THAT ARE OWNED AND OPERATED BY THE SAME PERSON AND HAVE A
17 SHARED PURPOSE AND FUNCTION AS A SINGLE PROPERTY.

18 (b) "COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL" OR "CII":

19 (I) MEANS THE COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL
20 SECTOR IN THE STATE; AND

21 (II) INCLUDES LOCAL GOVERNMENTS, SCHOOLS, AND BUSINESSES.

22 (c) "DISTRICT" MEANS:

23 (I) A DISTRICT OR SPECIAL DISTRICT FORMED PURSUANT TO TITLE
24 32, INCLUDING A METROPOLITAN DISTRICT, AS DEFINED IN SECTION
25 32-1-103 (10); A WATER AND SANITATION DISTRICT, AS DEFINED IN
26 SECTION 32-1-103 (24); AND A WATER DISTRICT, AS DEFINED IN SECTION
27 32-1-103 (25);

1 (II) A WATER CONSERVANCY DISTRICT ESTABLISHED UNDER
2 ARTICLE 45 OF THIS TITLE 37; OR

3 (III) A WATER CONSERVATION DISTRICT ESTABLISHED UNDER
4 ARTICLE 46, 47, 48, OR 50 OF THIS TITLE 37.

5 (d) "ELIGIBLE ENTITY" MEANS ANY OF THE FOLLOWING ENTITIES
6 THAT ALREADY ADMINISTER OR PLAN TO ADMINISTER A TURF
7 REPLACEMENT PROGRAM IN THE STATE:

8 (I) A LOCAL GOVERNMENT;

9 (II) A DISTRICT;

10 (III) A NATIVE AMERICAN TRIBE; OR

11 (IV) A NONPROFIT ORGANIZATION.

12 (e) "INVASIVE PLANT SPECIES" MEANS PLANTS THAT ARE NOT
13 NATIVE TO THE STATE AND THAT:

14 (I) ARE INTRODUCED INTO THE STATE ACCIDENTALLY OR
15 INTENTIONALLY;

16 (II) HAVE NO NATURAL COMPETITORS OR PREDATORS IN THE STATE
17 BECAUSE THE STATE IS OUTSIDE OF THEIR COMPETITORS' OR PREDATORS'
18 RANGE; AND

19 (III) HAVE HARMFUL EFFECTS ON THE STATE'S ENVIRONMENT OR
20 ECONOMY OR BOTH.

21 (f) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE
22 MUNICIPALITY, COUNTY, OR CITY AND COUNTY.

23 (g) (I) "RESIDENTIAL PROPERTY" MEANS ANY REAL PROPERTY
24 UPON WHICH A DWELLING IS CONSTRUCTED.

25 (II) "RESIDENTIAL PROPERTY" INCLUDES:

26 (A) BOTH UNITS AND COMMON ELEMENTS IN A COMMON INTEREST
27 COMMUNITY, AS THOSE TERMS ARE DEFINED IN SECTION 38-33.3-103; AND

1 (B) SINGLE-FAMILY DETACHED PROPERTIES AND SINGLE-FAMILY
2 ATTACHED PROPERTIES THAT ARE NOT IN A COMMON INTEREST
3 COMMUNITY.

4 (h) "SCHOOL" MEANS:

5 (I) A PUBLIC SCHOOL MAINTAINED AND OPERATED BY A SCHOOL
6 DISTRICT CREATED PURSUANT TO ARTICLE 30 OF TITLE 22;

7 (II) A DISTRICT CHARTER SCHOOL AS DEFINED IN SECTION
8 22-11-103 (12);

9 (III) AN INSTITUTE CHARTER SCHOOL AS DEFINED IN SECTION
10 22-11-103 (17);

11 (IV) A PRIVATE SCHOOL AS DEFINED IN SECTION 22-30.5-103 (6.5);

12 (V) A STATE INSTITUTION OF HIGHER EDUCATION AS DEFINED IN
13 SECTION 23-1-108 (7)(g)(II); OR

14 (VI) A PRIVATE INSTITUTION OF HIGHER EDUCATION AS DEFINED
15 IN SECTION 23-18-102 (9).

16 (i) "TURF" MEANS CONTINUOUS PLANT COVERAGE CONSISTING OF
17 NONNATIVE GRASSES OR GRASSES THAT HAVE NOT BEEN HYBRIDIZED FOR
18 ARID CONDITIONS AND WHICH, WHEN REGULARLY MOWED, FORM A DENSE
19 GROWTH OF LEAF BLADES AND ROOTS.

20 (j) "TURF REPLACEMENT FUND" OR "FUND" MEANS THE TURF
21 REPLACEMENT FUND CREATED IN SUBSECTION (6) OF THIS SECTION.

22 (k) "TURF REPLACEMENT PROGRAM" OR "PROGRAM" MEANS A
23 PROGRAM THROUGH WHICH FINANCIAL COMPENSATION OR IN-KIND OR
24 SUBSIDIZED GOODS OR SERVICES ARE PROVIDED TO ASSIST WITH THE
25 VOLUNTARY REPLACEMENT OF IRRIGATED TURF FOR:

26 (I) RESIDENTIAL PROPERTIES; AND

27 (II) CII PROPERTIES, INCLUDING INDUSTRIAL AND BUSINESS

1 CAMPUSES.

2 (I) "WATER-WISE LANDSCAPE" OR "WATER-WISE LANDSCAPING":

3 (I) MEANS A WATER- AND PLANT- MANAGEMENT PRACTICE THAT:

4 (A) IS INTENDED TO BE FUNCTIONAL AND ATTRACTIVE;

5 (B) EMPHASIZES THE USE OF PLANTS THAT REQUIRE LOWER

6 SUPPLEMENTAL WATER, SUCH AS NATIVE AND DROUGHT-TOLERANT

7 PLANTS; AND

8 (II) PRIORITIZES THE FOLLOWING SEVEN KEY PRINCIPLES:

9 (A) PLANNING AND DESIGN FOR WATER CONSERVATION, BEAUTY,

10 AND UTILITY;

11 (B) IMPROVING SOIL;

12 (C) APPLYING EFFICIENT IRRIGATION;

13 (D) LIMITING TURF TO HIGH TRAFFIC, ESSENTIAL AREAS;

14 (E) SELECTING PLANTS THAT HAVE LOW WATER DEMAND;

15 (F) APPLYING MULCH; AND

16 (G) MAINTAINING THE LANDSCAPE.

17 (3) ON OR BEFORE JULY 1, 2023, THE BOARD SHALL DEVELOP A

18 STATE TURF REPLACEMENT PROGRAM:

19 (a) TO PROVIDE MONEY TO AN ELIGIBLE ENTITY THAT ITSELF

20 PROVIDES MATCHING MONEY IN AN AMOUNT UP TO FIFTY PERCENT OF THE

21 DIRECT AND INDIRECT COSTS THAT THE ELIGIBLE ENTITY AND ANY THIRD

22 PARTY IT CONTRACTS WITH IN DEVELOPING OR IMPLEMENTING A TURF

23 REPLACEMENT PROGRAM WILL INCUR; ■■■

24 (b) THROUGH ONE OR MORE THIRD-PARTY CONTRACTORS CHOSEN

25 IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION, TO ADMINISTER

26 ONE OR MORE TURF REPLACEMENT PROGRAMS IN AREAS THROUGHOUT THE

27 STATE IN WHICH NO ELIGIBLE ENTITY HAS DEVELOPED OR IS PLANNING TO

1 IMPLEMENT A TURF REPLACEMENT PROGRAM DURING A SPECIFIED
2 IRRIGATION SEASON. TURF REPLACEMENT PROGRAMS DEVELOPED
3 PURSUANT TO THIS SUBSECTION (3)(b) MAY SERVE RESIDENTIAL
4 PROPERTIES; COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTIES;
5 OR BOTH.

6 (c) THROUGH WHICH MONEY APPROPRIATED OR TRANSFERRED TO
7 THE TURF REPLACEMENT FUND MAY BE PROVIDED TO AN ELIGIBLE ENTITY
8 THAT UTILIZES FEDERAL FUNDS TO SERVE AS A PORTION OF THE
9 NONFEDERAL MATCH MONEY THAT A FEDERAL GRANT OR LOAN PROGRAM
10 REQUIRES OF THE ELIGIBLE ENTITY.

11 (4) (a) WITH REGARD TO AN ELIGIBLE ENTITY APPLICANT SEEKING
12 MONEY FOR A TURF REPLACEMENT PROGRAM THAT IT ADMINISTERS OR
13 PLANS TO ADMINISTER, THE ELIGIBLE ENTITY MAY APPLY TO THE BOARD
14 IN THE FORM AND MANNER DETERMINED BY THE BOARD FOR MONEY TO
15 ASSIST THE ELIGIBLE ENTITY IN PROVIDING TURF REPLACEMENT FOR:

- 16 (I) ITS OWN PROPERTY;
- 17 (II) RESIDENTIAL PROPERTY WITHIN THE ELIGIBLE ENTITY'S
18 BOUNDARIES OR SERVICE AREA; OR
- 19 (III) COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTY
20 LOCATED WITHIN THE ELIGIBLE ENTITY'S BOUNDARIES OR SERVICE AREA.

21 (b) AN ELIGIBLE ENTITY AWARDED MONEY:
22 (I) MAY USE A PORTION OF THE MONEY TO COVER ITS DIRECT AND
23 INDIRECT COSTS, INCLUDING THE DIRECT AND INDIRECT COSTS INCURRED
24 BY ANY THIRD-PARTY CONTRACTOR, IN DEVELOPING AND ADMINISTERING
25 A TURF REPLACEMENT PROGRAM;

26 (II) IS ENCOURAGED TO REQUIRE THAT ITS PROGRAM PARTICIPANTS
27 UPDATE IRRIGATION SYSTEMS TO EFFICIENTLY IRRIGATE WATER-WISE

1 LANDSCAPING AS A CONDITION OF PARTICIPATING IN THE ELIGIBLE
2 ENTITY'S TURF REPLACEMENT PROGRAM; AND

3 (III) IS ENCOURAGED TO REQUIRE THAT ITS PROGRAM
4 PARTICIPANTS MAINTAIN OR CREATE DEFENSIBLE SPACE TO REDUCE
5 WILDFIRE RISK.

6 (c) THE BOARD'S APPLICATION REQUIREMENTS FOR APPLICATIONS
7 RECEIVED PURSUANT TO THIS SUBSECTION (4) MUST INCLUDE A
8 REQUIREMENT THAT THE ELIGIBLE ENTITY DEMONSTRATE TO THE
9 SATISFACTION OF THE BOARD THAT:

10 (I) THE ELIGIBLE ENTITY HAS MATCHING MONEY AS REQUIRED
11 UNDER SUBSECTION (3)(a) OF THIS SECTION;

12 (II) THE ELIGIBLE ENTITY WILL START USING ANY MONEY
13 AWARDED FOR IMPLEMENTATION OF A TURF REPLACEMENT PROGRAM
14 WITHIN TWELVE MONTHS AFTER BEING AWARDED THE MONEY;

15 (III) IF THE ELIGIBLE ENTITY HAS AN EXISTING TURF REPLACEMENT
16 PROGRAM, THE ELIGIBLE ENTITY WILL USE THE MONEY AWARDED IN A
17 MANNER THAT EXPANDS ITS TURF REPLACEMENT PROGRAM, EITHER BY
18 INCREASING THE FINANCIAL INCENTIVES OFFERED PER PROPERTY OR BY
19 EXPANDING THE ANNUAL TOTAL ACREAGE OF TURF REPLACED UNDER THE
20 PROGRAM; AND

21 (IV) THE ELIGIBLE ENTITY WILL NOT ALLOW THE USE OF MONEY
22 FOR THE REPLACEMENT OF TURF WITH ANY OF THE FOLLOWING:

23 (A) IMPERMEABLE CONCRETE;

24 (B) ARTIFICIAL TURF;

25 (C) WATER FEATURES SUCH AS FOUNTAINS;

26 (D) INVASIVE PLANT SPECIES; OR

27 (E) TURF.

1 (5) (a) THE BOARD SHALL CONTRACT WITH ONE OR MORE THIRD
2 PARTIES, SELECTED IN COMPLIANCE WITH THE "PROCUREMENT CODE",
3 ARTICLES 101 TO 112 OF TITLE 24, TO ADMINISTER ONE OR MORE TURF
4 REPLACEMENT PROGRAMS IN ACCORDANCE WITH SUBSECTION (3)(b) OF
5 THIS SECTION. THE BOARD AND THIRD-PARTY CONTRACTOR OR
6 CONTRACTORS MAY USE MONEY FROM THE TURF REPLACEMENT FUND TO
7 COVER THEIR DIRECT AND INDIRECT COSTS IN DEVELOPING AND
8 ADMINISTERING ONE OR MORE TURF REPLACEMENT PROGRAMS UNDER THIS
9 SUBSECTION (5). THE BOARD AND THIRD-PARTY CONTRACTOR OR
10 CONTRACTORS SHALL COLLABORATE TO DEVELOP ONE OR MORE TURF
11 REPLACEMENT PROGRAMS THAT:

12 (I) ARE BASED ON INDUSTRY BEST PRACTICES AND THAT MAY THEN
13 SERVE AS A MODEL FOR TURF REPLACEMENT PROGRAMS THAT ELIGIBLE
14 ENTITIES ADMINISTER;

15 (II) ARE DESIGNED TO REQUIRE THAT:

16 (A) REMOVED TURF BE REPLACED WITH A MINIMUM PERCENTAGE
17 OF LIVING PLANT SPECIES;

18 (B) LOW OR MEDIUM WATER-USE PLANT SPECIES OR BOTH ARE
19 USED INSTEAD OF HIGH WATER-USE PLANT SPECIES IN REPLACING THE
20 TURF; ■

21 (C) THERE IS AN EMPHASIS ON USING NATIVE AND
22 POLLINATOR-FRIENDLY PLANT SPECIES; AND

23 (D) THERE IS AN EMPHASIS ON CREATING AND MAINTAINING
24 DEFENSIBLE SPACE TO REDUCE WILDFIRE RISK.

25 (III) OFFER REBATES OR IN-KIND OR SUBSIDIZED GOODS OR
26 SERVICES TO PROPERTY OWNERS IN AN AMOUNT THAT BALANCES
27 INCENTIVIZING PROPERTY OWNERS TO VOLUNTARILY PARTICIPATE IN THE

1 PROGRAM WHILE NOT DISCOURAGING ELIGIBLE ENTITIES IN THE AREA
2 FROM DEVELOPING AND ADMINISTERING A LOCAL PROGRAM TO SERVE THE
3 AREA.

4 (b) THE BOARD SHALL ESTABLISH THE RESPONSIBILITIES AND THE
5 ACCOUNTABILITY OF THE THIRD-PARTY CONTRACTOR OR CONTRACTORS
6 IN MANAGING THE PROGRAM PURSUANT TO THIS SUBSECTION (5), WHICH
7 RESPONSIBILITIES AND ACCOUNTABILITY MUST INCLUDE:

8 (I) ENSURING ALL PROJECT WORK IS BEING COMPLETED IN AN
9 EFFICIENT MANNER AND WITHIN THE PROJECT BUDGET;

10 (II) DEVELOPING AND SUBMITTING PROGRAM INVOICES TO THE
11 BOARD; AND

12 (III) PROVIDING THE BOARD WITH PROGRESS REPORTS ABOUT THE
13 PROGRAM AND A FINAL REPORT REGARDING USE OF THE MONEY AWARDED
14 FOR THE PROGRAM, INCLUDING ADMINISTRATIVE COSTS.

15 (c) A RESIDENTIAL PROPERTY OWNER OR CII PROPERTY OWNER OR
16 MANAGER MAY APPLY TO A THIRD-PARTY CONTRACTOR, IN A FORM AND
17 MANNER DETERMINED BY THE BOARD AND THE THIRD-PARTY
18 CONTRACTOR, FOR MONEY FOR TURF REPLACEMENT ON THE APPLICANT'S
19 PROPERTY AS PART OF A TURF REPLACEMENT PROGRAM ESTABLISHED
20 PURSUANT TO THIS SUBSECTION (5). THE APPLICATION DEVELOPED BY THE
21 BOARD AND THIRD-PARTY CONTRACTOR MUST INFORM AN APPLICANT
22 THAT APPLICANTS RECEIVING MONEY UNDER THIS SUBSECTION (5):

23 (I) MAY USE THE MONEY TO COVER THE COST OF ALL DESIGN,
24 MATERIALS, PLANTINGS, AND LABOR REQUIRED TO COMPLETE
25 LANDSCAPING AND IRRIGATION SYSTEM MODIFICATIONS TO REMOVE TURF
26 AND REPLACE IT WITH WATER-WISE LANDSCAPING;

27 (II) ARE ENCOURAGED TO UPDATE IRRIGATION SYSTEMS TO

1 EFFICIENTLY IRRIGATE WATER-WISE LANDSCAPING AS PART OF THE
2 APPLICANTS' PARTICIPATION IN THE PROGRAM; AND

3 (III) SHALL NOT USE THE MONEY TO REPLACE TURF WITH ANY OF
4 THE FOLLOWING:

5 (A) IMPERMEABLE CONCRETE;

6 (B) ARTIFICIAL TURF;

7 (C) WATER FEATURES SUCH AS FOUNTAINS;

8 (D) INVASIVE PLANT SPECIES; OR

9 (E) TURF.

10 (6) (a) (I) THE TURF REPLACEMENT FUND IS HEREBY CREATED IN
11 THE STATE TREASURY TO BE ADMINISTERED BY THE BOARD FOR
12 IMPLEMENTATION OF THIS SECTION. THE FUND CONSISTS OF MONEY THAT
13 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND,
14 ANY FEDERAL MONEY THAT THE BOARD RECEIVES FOR THE PROGRAM, AND
15 ANY GIFTS, GRANTS, OR DONATIONS THAT THE BOARD RECEIVES FROM
16 PRIVATE OR PUBLIC SOURCES PURSUANT TO SUBSECTION (6)(a)(II) OF THIS
17 SECTION. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
18 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
19 FUND TO THE FUND.

20 (II) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
21 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
22 THIS SECTION.

23 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
24 ASSEMBLY, THE BOARD MAY USE THE MONEY IN THE FUND FOR THE
25 PURPOSES SET FORTH IN THIS SECTION UNTIL THE MONEY IS EXPENDED.

26 (c) (I) ON THE EFFECTIVE DATE OF THIS SUBSECTION (6)(c), THE
27 STATE TREASURER SHALL TRANSFER TWO MILLION DOLLARS FROM THE

1 GENERAL FUND TO THE TURF REPLACEMENT FUND.

2 (II) THIS SUBSECTION (6)(c) IS REPEALED, EFFECTIVE JULY 1, 2023.

3 (7) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ADD A
4 REQUIREMENT FOR A WATER CONSERVATION PLAN THAT A COVERED
5 ENTITY FILES PURSUANT TO SECTION 37-60-126 (2).

6 **SECTION 2. Appropriation.** (1) For the 2022-23 state fiscal
7 year, \$2,000,000 is appropriated to the department of natural resources
8 for use by the Colorado water conservation board. This appropriation is
9 from the turf replacement fund created in section 37-60-134 (6)(a)(I),
10 C.R.S. To implement this act, the board may use this appropriation as
11 follows:

12 (a) \$1,988,600 for the state turf replacement program, which
13 amount is based on an assumption that the board will require an
14 additional 0.8 FTE; and

15 (b) \$11,400 for the purchase of information technology services.

16 (2) Any money appropriated in subsection (1)(a) of this section
17 not expended prior to July 1, 2023, is further appropriated to the board
18 until June 30, 2025 for the same purpose.

19 (3) For the 2022-23 state fiscal year, \$11,400 is appropriated to
20 the office of the governor for use by the office of information technology.
21 This appropriation is from reappropriated funds received from the
22 department of natural resources under subsection (1)(b) of this section. To
23 implement this act, the office may use this appropriation to provide
24 information technology services for the department of natural resources.

25 **SECTION 3. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 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 2022 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.