

SB005_L.003

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Agriculture & Natural Resources.

SB24-005 be amended as follows:

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
28 IMPACTING QUALITY OF LIFE OR LANDSCAPE FUNCTIONALITY;

29 (e) PROHIBITING THE INSTALLATION, PLANTING, OR PLACEMENT OF
30 NONFUNCTIONAL TURF IN APPLICABLE PROPERTY IN THE STATE CAN HELP
31 CONSERVE THE STATE'S WATER RESOURCES;

32 (f) INSTALLED VEGETATION THAT ADHERES TO WATER-WISE
33 LANDSCAPING PRINCIPLES CAN HELP REDUCE OUTDOOR DEMAND OF
34 WATER; AND

35 (g) ADDITIONALLY, ARTIFICIAL TURF CAN CAUSE NEGATIVE
36 ENVIRONMENTAL IMPACTS, SUCH AS EXACERBATING HEAT ISLAND EFFECTS
37 IN URBAN AREAS AND RELEASING HARMFUL CHEMICALS, INCLUDING
38 PLASTICS, MICROPLASTICS, AND PERFLUOROALKYL AND
39 POLYFLUOROALKYL CHEMICALS, INTO THE ENVIRONMENT AND
40 WATERSHEDS.

1 (2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT
2 PREVENTING THE INSTALLATION, PLANTING, OR PLACEMENT OF
3 NONFUNCTIONAL TURF, ARTIFICIAL TURF, AND INVASIVE PLANT SPECIES IN
4 APPLICABLE PROPERTY IN THE STATE IS:
5 (a) A MATTER OF STATEWIDE CONCERN; AND
6 (b) IN THE PUBLIC INTEREST.
7 **37-99-102. Definitions.** AS USED IN THIS ARTICLE 99, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:
9 (1) "APPLICABLE PROPERTY" MEANS:
10 (a) COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTY;
11 (b) COMMON INTEREST COMMUNITY PROPERTY; OR
12 (c) A STREET RIGHT-OF-WAY, PARKING LOT, MEDIAN, OR
13 TRANSPORTATION CORRIDOR.
14 (2) "ARTIFICIAL TURF" MEANS AN INSTALLATION OF SYNTHETIC
15 MATERIALS DEVELOPED TO RESEMBLE NATURAL GRASS.
16 (3) "COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL" HAS THE
17 MEANING SET FORTH IN SECTION 37-60-135 (2)(b).
18 (4) "COMMON INTEREST COMMUNITY" HAS THE MEANING SET
19 FORTH IN SECTION 38-33.3-103 (8).
20 (5) "COMMON INTEREST COMMUNITY PROPERTY" MEANS
21 PROPERTY WITHIN A COMMON INTEREST COMMUNITY THAT IS OWNED AND
22 MAINTAINED BY A UNIT OWNERS' ASSOCIATION, SUCH AS ENTRYWAYS,
23 PARKS, AND OTHER COMMON ELEMENTS AS DEFINED IN SECTION
24 38-33.3-103 (5).
25 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL
26 CREATED IN SECTION 24-1-128 (1).
27 (7) "FUNCTIONAL TURF" MEANS TURF THAT IS LOCATED IN A
28 RECREATIONAL USE AREA OR OTHER SPACE THAT IS REGULARLY USED FOR
29 CIVIC, COMMUNITY, OR RECREATIONAL PURPOSES, WHICH MAY INCLUDE
30 PLAYGROUNDS; SPORTS FIELDS; PICNIC GROUNDS; AMPHITHEATERS;
31 PORTIONS OF PARKS; AND THE PLAYING AREAS OF GOLF COURSES, SUCH AS
32 DRIVING RANGES, CHIPPING AND PUTTING GREENS, TEE BOXES, GREENS,
33 FAIRWAYS, AND ROUGHS.
34 (8) "INVASIVE PLANT SPECIES" HAS THE MEANING SET FORTH IN
35 SECTION 37-60-135 (2)(e).
36 (9) "LOCAL ENTITY" MEANS A:
37 (a) HOME RULE OR STATUTORY CITY, COUNTY, CITY AND COUNTY,
38 TERRITORIAL CHARTER CITY, OR TOWN; AND
39 (b) SPECIAL DISTRICT.
40 (10) "MAINTAIN" OR "MAINTAINING" MEANS AN ACTION TO
41 PRESERVE THE EXISTING STATE OF NONFUNCTIONAL TURF, ARTIFICIAL
42 TURF, OR AN INVASIVE PLANT SPECIES THAT HAS ALREADY BEEN
43 INSTALLED, PLANTED, OR PLACED.
44 (11) "NATIVE PLANT" MEANS A PLANT SPECIES THAT IS
45 INDIGENOUS TO THE STATE OF COLORADO.

1 (12) "NEW DEVELOPMENT PROJECT" MEANS A NEW CONSTRUCTION
2 PROJECT THAT REQUIRES A BUILDING OR LANDSCAPING PERMIT, PLAN
3 CHECK, OR DESIGN REVIEW.

4 (13) (a) "NONFUNCTIONAL TURF" MEANS TURF THAT IS NOT
5 FUNCTIONAL TURF.

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

8 (14) "REDEVELOPMENT PROJECT" MEANS A CONSTRUCTION
9 PROJECT THAT:

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

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

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

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

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

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

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

25 **37-99-103. Prohibition of nonfunctional turf, artificial turf,**
26 **and invasive plant species - local entities - construction or renovation**
27 **of state facilities.** (1) ON AND AFTER JANUARY 1, 2026, A LOCAL ENTITY
28 SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW ANY PERSON TO
29 INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF,
30 OR INVASIVE PLANT SPECIES, AS PART OF A NEW DEVELOPMENT PROJECT
31 OR REDEVELOPMENT PROJECT, ON ANY PORTION OF APPLICABLE PROPERTY
32 WITHIN THE LOCAL ENTITY'S JURISDICTION.

33 (2) ON OR BEFORE JANUARY 1, 2026, A LOCAL ENTITY SHALL
34 ENACT OR AMEND ORDINANCES, RESOLUTIONS, REGULATIONS, OR OTHER
35 LAWS REGULATING NEW DEVELOPMENT PROJECTS AND REDEVELOPMENT
36 PROJECTS ON APPLICABLE PROPERTY IN ACCORDANCE WITH THE
37 REQUIREMENTS OF THIS SECTION.

38 (3) THE DEPARTMENT SHALL NOT INSTALL, PLANT, OR PLACE, OR
39 ALLOW ANY PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL
40 TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES AS PART OF A PROJECT
41 FOR THE CONSTRUCTION OR RENOVATION OF A STATE FACILITY, WHICH
42 PROJECT COMMENCES ON OR AFTER JANUARY 1, 2025.

43 (4) NOTHING IN THIS SECTION PROHIBITS:

44 (a) A LOCAL ENTITY FROM MAINTAINING, OR ALLOWING ANY
45 PERSON TO MAINTAIN, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR

1 INVASIVE PLANT SPECIES INSTALLED, PLANTED, OR PLACED BEFORE
2 JANUARY 1, 2026;

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

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

10 (d) A LOCAL ENTITY OR THE DEPARTMENT FROM ESTABLISHING
11 PROHIBITIONS ON, OR REQUIREMENTS FOR, NONFUNCTIONAL TURF,
12 ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES THAT ARE MORE STRINGENT
13 THAN THE REQUIREMENTS OF THIS SECTION; OR

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

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

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

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