

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0362.02 Sarah Lozano x3858

SENATE BILL 24-005

SENATE SPONSORSHIP

Roberts and Simpson, Bridges, Hinrichsen, Buckner, Cutter, Exum, Fenberg, Fields, Jaquez Lewis, Marchman, Michaelson Jenet, Priola, Winter F.

HOUSE SPONSORSHIP

McCormick and McLachlan,

Senate Committees

Agriculture & Natural Resources

House Committees

Agriculture, Water & Natural Resources

A BILL FOR AN ACT

101 **CONCERNING THE CONSERVATION OF WATER IN THE STATE THROUGH**
102 **THE PROHIBITION OF CERTAIN LANDSCAPING PRACTICES.**

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/>.)

Water Resources and Agriculture Review Committee. On and after January 1, 2025, the bill prohibits local governments and unit owners' associations of common interest communities from allowing the installation, planting, or placement of nonfunctional turf, artificial turf, or invasive plant species on commercial, institutional, or industrial property or a transportation corridor. The bill also prohibits the

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.

SENATE
3rd Reading Unamended
January 31, 2024

SENATE
Amended 2nd Reading
January 30, 2024

department of personnel from allowing the installation, planting, or placement of nonfunctional turf, artificial turf, or invasive plant species as part of a project for the construction or renovation of a state facility, which project commences on or after January 1, 2025.

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

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

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

7 **37-99-101. Legislative declaration. (1) THE GENERAL ASSEMBLY**
8 **FINDS THAT:**

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

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

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

21 **(d) WHILE THERE ARE APPROPRIATE AND IMPORTANT USES FOR**
22 **TURF, INCLUDING FOR CIVIC, COMMUNITY, OR RECREATIONAL PURPOSES**
23 **SUCH AS USE IN PARKS, SPORTS FIELDS, AND PLAYGROUNDS, MUCH OF THE**

1 TURF IN THE STATE IS NONFUNCTIONAL, LOCATED IN AREAS THAT RECEIVE
2 LITTLE, IF ANY, USE, AND COULD BE REPLACED WITH LANDSCAPING THAT
3 ADHERES TO WATER-WISE LANDSCAPING PRINCIPLES WITHOUT ADVERSELY
4 IMPACTING QUALITY OF LIFE OR LANDSCAPE FUNCTIONALITY;

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

8 (f) INSTALLED VEGETATION THAT ADHERES TO WATER-WISE
9 LANDSCAPING PRINCIPLES CAN HELP REDUCE OUTDOOR DEMAND OF
10 WATER; AND

11 (g) ADDITIONALLY, ARTIFICIAL TURF CAN CAUSE NEGATIVE
12 ENVIRONMENTAL IMPACTS, SUCH AS EXACERBATING HEAT ISLAND EFFECTS
13 IN URBAN AREAS AND RELEASING HARMFUL CHEMICALS, INCLUDING
14 PLASTICS, MICROPLASTICS, AND PERFLUOROALKYL AND
15 POLYFLUOROALKYL CHEMICALS, INTO THE ENVIRONMENT AND
16 WATERSHEDS.

17 (2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT
18 PREVENTING THE INSTALLATION, PLANTING, OR PLACEMENT OF
19 NONFUNCTIONAL TURF, ARTIFICIAL TURF, AND INVASIVE PLANT SPECIES IN
20 APPLICABLE PROPERTY IN THE STATE IS:

21 (a) A MATTER OF STATEWIDE CONCERN; AND

22 (b) IN THE PUBLIC INTEREST.

23 **37-99-102. Definitions.** AS USED IN THIS ARTICLE 99, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

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

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

27 (II) COMMON INTEREST COMMUNITY PROPERTY; OR

1 (III) A STREET RIGHT-OF-WAY, PARKING LOT, MEDIAN, OR
2 TRANSPORTATION CORRIDOR.

3 (b) "APPLICABLE PROPERTY" DOES NOT INCLUDE RESIDENTIAL
4 PROPERTY.

5 (2) "ARTIFICIAL TURF" MEANS AN INSTALLATION OF SYNTHETIC
6 MATERIALS DEVELOPED TO RESEMBLE NATURAL GRASS.

7 (3) "COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL" HAS THE
8 MEANING SET FORTH IN SECTION 37-60-135 (2)(b).

9 (4) "COMMON INTEREST COMMUNITY" HAS THE MEANING SET
10 FORTH IN SECTION 38-33.3-103 (8).

11 (5) "COMMON INTEREST COMMUNITY PROPERTY" MEANS
12 PROPERTY WITHIN A COMMON INTEREST COMMUNITY THAT IS OWNED AND
13 MAINTAINED BY A UNIT OWNERS' ASSOCIATION, SUCH AS ENTRYWAYS,
14 PARKS, AND OTHER COMMON ELEMENTS AS DEFINED IN SECTION
15 38-33.3-103 (5).

16 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL
17 CREATED IN SECTION 24-1-128 (1).

18 (7) "FUNCTIONAL TURF" MEANS TURF THAT IS LOCATED IN A
19 RECREATIONAL USE AREA OR OTHER SPACE THAT IS REGULARLY USED FOR
20 CIVIC, COMMUNITY, OR RECREATIONAL PURPOSES, WHICH MAY INCLUDE
21 PLAYGROUNDS; SPORTS FIELDS; PICNIC GROUNDS; AMPHITHEATERS;
22 PORTIONS OF PARKS; AND THE PLAYING AREAS OF GOLF COURSES, SUCH AS
23 DRIVING RANGES, CHIPPING AND PUTTING GREENS, TEE BOXES, GREENS,
24 FAIRWAYS, AND ROUGHS.

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

27 (9) "LOCAL ENTITY" MEANS A:

1 (a) HOME RULE OR STATUTORY CITY, COUNTY, CITY AND COUNTY,
2 TERRITORIAL CHARTER CITY, OR TOWN;

3 (b) SPECIAL DISTRICT; AND

4 (c) METROPOLITAN DISTRICT.

5 (10) "MAINTAIN" OR "MAINTAINING" MEANS AN ACTION TO
6 PRESERVE THE EXISTING STATE OF NONFUNCTIONAL TURF, ARTIFICIAL
7 TURF, OR AN INVASIVE PLANT SPECIES THAT HAS ALREADY BEEN
8 INSTALLED, PLANTED, OR PLACED.

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

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

14 (13) (a) "NONFUNCTIONAL TURF" MEANS TURF THAT IS NOT
15 FUNCTIONAL TURF.

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

18 (c) "NONFUNCTIONAL TURF" DOES NOT INCLUDE TURF THAT IS
19 DESIGNATED TO BE PART OF A WATER QUALITY TREATMENT SOLUTION
20 REQUIRED FOR COMPLIANCE WITH FEDERAL, STATE, OR LOCAL AGENCY
21 WATER QUALITY PERMITTING REQUIREMENTS THAT IS NOT IRRIGATED AND
22 DOES NOT HAVE HERBICIDES APPLIED.

23 (14) "REDEVELOPMENT PROJECT" MEANS A CONSTRUCTION
24 PROJECT THAT:

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

27 (b) RESULTS IN A DISTURBANCE OF MORE THAN FIFTY PERCENT OF

1 THE AGGREGATE LANDSCAPE AREA.

2 (15) "SPECIAL DISTRICT" HAS THE MEANING SET FORTH IN SECTION
3 32-1-103 (20).

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

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

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

11 (19) "WATER-WISE LANDSCAPING" HAS THE MEANING SET FORTH
12 IN SECTION 37-60-135 (2)(1).

13 **37-99-103. Prohibition of nonfunctional turf, artificial turf,**
14 **and invasive plant species - local entities - construction or renovation**
15 **of state facilities. (1) ON AND AFTER JANUARY 1, 2026, A LOCAL ENTITY**
16 **SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW ANY PERSON TO**
17 **INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF,**
18 **OR INVASIVE PLANT SPECIES, AS PART OF A NEW DEVELOPMENT PROJECT**
19 **OR REDEVELOPMENT PROJECT, ON ANY PORTION OF APPLICABLE PROPERTY**
20 **WITHIN THE LOCAL ENTITY'S JURISDICTION.**

21 (2) ON OR BEFORE JANUARY 1, 2026, A LOCAL ENTITY SHALL
22 ENACT OR AMEND ORDINANCES, RESOLUTIONS, REGULATIONS, OR OTHER
23 LAWS REGULATING NEW DEVELOPMENT PROJECTS AND REDEVELOPMENT
24 PROJECTS ON APPLICABLE PROPERTY IN ACCORDANCE WITH THE
25 REQUIREMENTS OF THIS SECTION.

26 (3) THE DEPARTMENT SHALL NOT INSTALL, PLANT, OR PLACE, OR
27 ALLOW ANY PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL

1 TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES AS PART OF A PROJECT
2 FOR THE CONSTRUCTION OR RENOVATION OF A STATE FACILITY, WHICH
3 PROJECT DESIGN COMMENCES ON OR AFTER JANUARY 1, 2025.

4 (4) NOTHING IN THIS SECTION PROHIBITS:

5 (a) A LOCAL ENTITY FROM MAINTAINING, OR ALLOWING ANY
6 PERSON TO MAINTAIN, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR
7 INVASIVE PLANT SPECIES INSTALLED, PLANTED, OR PLACED BEFORE
8 JANUARY 1, 2026;

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

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

16 (d) A LOCAL ENTITY OR THE DEPARTMENT FROM ESTABLISHING
17 PROHIBITIONS ON, OR REQUIREMENTS FOR, NONFUNCTIONAL TURF,
18 ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES THAT ARE MORE STRINGENT
19 THAN THE REQUIREMENTS OF THIS SECTION; OR

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

23 **SECTION 2. Act subject to petition - effective date -**
24 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
25 the expiration of the ninety-day period after final adjournment of the
26 general assembly; except that, if a referendum petition is filed pursuant
27 to section 1 (3) of article V of the state constitution against this act or an

1 item, section, or part of this act within such period, then the act, item,
2 section, or part will not take effect unless approved by the people at the
3 general election to be held in November 2024 and, in such case, will take
4 effect on the date of the official declaration of the vote thereon by the
5 governor.

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