

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
10/10/23

Bill 6

LLS NO. 24-0362.02 Sarah Lozano x3858

INTERIM COMMITTEE BILL

Water Resources and Agriculture Review Committee

BILL TOPIC: Prohibit Landscaping Practices For Water Conserv

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 an invasive plant species on any commercial, institutional, or industrial property. The bill also prohibits the department of personnel from

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

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 HEREBY 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 WATER-WISE
3 LANDSCAPING WITHOUT ADVERSELY IMPACTING QUALITY OF LIFE OR
4 LANDSCAPE FUNCTIONALITY;

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

9 (f) ADDITIONALLY, ARTIFICIAL TURF CAN CAUSE NEGATIVE
10 ENVIRONMENTAL IMPACTS, SUCH AS EXACERBATING HEAT ISLAND EFFECTS
11 IN URBAN AREAS AND RELEASING HARMFUL CHEMICALS INTO THE
12 ENVIRONMENT AND WATERSHEDS.

13 (2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT
14 PREVENTING THE INSTALLATION, PLANTING, OR PLACEMENT OF
15 NONFUNCTIONAL TURF, ARTIFICIAL TURF, AND INVASIVE PLANT SPECIES IN
16 COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTY IS:

17 (a) A MATTER OF STATEWIDE CONCERN; AND

18 (b) IN THE PUBLIC INTEREST.

19 **37-99-102. Definitions.** AS USED IN THIS ARTICLE 99, UNLESS THE
20 CONTEXT OTHERWISE REQUIRES:

21 (1) "ARTIFICIAL TURF" MEANS AN INSTALLATION OF SYNTHETIC
22 MATERIALS DEVELOPED TO RESEMBLE NATURAL GRASS.

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

25 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL
26 CREATED IN SECTION 24-1-128 (1).

27 (4) "INVASIVE PLANT SPECIES" HAS THE MEANING SET FORTH IN

1 SECTION 37-60-135 (2)(e).

2 (5) "LOCAL ENTITY" MEANS A:

3 (a) HOME RULE OR STATUTORY CITY, COUNTY, CITY AND COUNTY,
4 TERRITORIAL CHARTER CITY, OR TOWN;

5 (b) SPECIAL DISTRICT; AND

6 (c) UNIT OWNERS' ASSOCIATION.

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

11 (7) (a) "NONFUNCTIONAL TURF" MEANS TURF THAT IS:

12 (I) PREDOMINANTLY ORNAMENTAL; AND

13 (II) LOCATED IN AN AREA ON, OR ADJACENT TO, A STREET,
14 SIDEWALK, DRIVEWAY, PARKING LOT, FRONTAGE AREA, OR MEDIAN THAT
15 IS NOT REGULARLY USED FOR CIVIC, COMMUNITY, OR RECREATIONAL
16 PURPOSES.

17 (b) "NONFUNCTIONAL TURF" DOES NOT INCLUDE TURF THAT IS
18 LOCATED IN A PARK, SPORTS FIELD, OR PLAYGROUND.

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

21 (9) "TURF" HAS THE MEANING SET FORTH IN SECTION 37-60-135
22 (2)(i).

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

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, 2025, A LOCAL ENTITY

1 SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW ANY PERSON TO
2 INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF,
3 OR INVASIVE PLANT SPECIES ON ANY PORTION OF A COMMERCIAL,
4 INSTITUTIONAL, OR INDUSTRIAL PROPERTY WITHIN THE LOCAL ENTITY'S
5 JURISDICTION.

6 (2) THE DEPARTMENT SHALL NOT INSTALL, PLANT, OR PLACE, OR
7 ALLOW ANY PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL
8 TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES AS PART OF A PROJECT
9 FOR THE CONSTRUCTION OR RENOVATION OF A STATE FACILITY, WHICH
10 PROJECT COMMENCES ON OR AFTER JANUARY 1, 2025.

11 (3) NOTHING IN THIS SECTION PROHIBITS A LOCAL ENTITY OR THE
12 DEPARTMENT FROM:

13 (a) MAINTAINING, OR ALLOWING ANY PERSON TO MAINTAIN, ANY
14 NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES
15 INSTALLED, PLANTED, OR PLACED BEFORE JANUARY 1, 2025; OR

16 (b) INSTALLING, OR ALLOWING ANY PERSON TO INSTALL,
17 ARTIFICIAL TURF ON ATHLETIC FIELDS OF PLAY.

18 **SECTION 2.** In Colorado Revised Statutes, 38-33.3-106.5, **add**
19 (3) as follows:

20 **38-33.3-106.5. Prohibitions contrary to public policy -**
21 **patriotic, political, or religious expression - public rights-of-way - fire**
22 **prevention - renewable energy generation devices - affordable**
23 **housing - drought prevention measures - child care - definitions.**

24 (3) NOTWITHSTANDING SUBSECTIONS (1)(i) AND (1)(i.5) OF THIS SECTION,
25 AN ASSOCIATION SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW ANY
26 PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF,
27 ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES, AS THOSE TERMS ARE

1 DEFINED IN SECTION 37-99-102, IN A COMMON INTEREST COMMUNITY IN
2 A MANNER THAT VIOLATES SECTION 37-99-103.

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

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