

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0384.02 Julie Pelegrin

HOUSE BILL 10-1131

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A BILL FOR AN ACT

101 CONCERNING MEASURES TO IMPROVE COLORADO YOUTHS'
102 KNOWLEDGE OF THE ENVIRONMENT, AND, IN CONNECTION
103 THEREWITH, CREATING THE COLORADO KIDS OUTDOORS GRANT
104 PROGRAM.

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://www.leg.state.co.us/billsummaries>.)

The bill creates the Colorado kids outdoors grant program (grant program) in the department of natural resources to provide grants for

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

programs that allow Colorado youth to participate in outdoor activities in the state, including but not limited to programs that emphasize the environment and experiential, field-based learning. The executive director of the department of natural resources (executive director) will adopt rules to implement the grant program, including criteria for selecting grant recipients. An advisory council will assist the executive director in reviewing the applications and creating the criteria. The grant program will be funded through gifts, grants, and donations, which will be deposited in the newly created Colorado kids outdoors grant program fund. The executive director will report to certain legislative committees concerning implementation of the grant program, including the amount awarded and the activities that receive funding.

The bill directs the department of education, in consultation with the department of natural resources, to create and the state board of education (state board) to adopt a state plan for environmental education (state plan). The state plan will be designed to strengthen environmental education in the state and provide to educators professional development in environmental education. The department of education and the state board will create and adopt the state plan only if the department receives gifts, grants, and donations to pay the costs of creating and adopting the plan. Any moneys received by the department of education for creating the state plan will be credited to the newly created state environmental education fund.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that:

4 (a) From the arid high plains of the eastern slope, through the
5 stunning grandeur of the Rocky Mountains, to the fruitful river valleys of
6 the western slope and the rocky deserts of the northwest and southwest
7 corners of the state, Colorado boasts an amazing array of ecosystems and
8 stunning, undeveloped, natural areas;

9 (b) Too many of the youth who grow up in Colorado lack
10 opportunities to experience the natural areas of the state and spend most
11 of their time in highly developed urban areas with little access to the open
12 spaces and natural environments for which Colorado is famous;

1 (c) Providing Colorado's youth with quality opportunities to
2 directly experience the natural areas of Colorado can improve their
3 overall academic performance, raise their self-esteem, and increase their
4 sense of personal responsibility and community involvement;

5 (d) Greater access to outdoor activities in a natural environment
6 can also promote healthy habits and increased levels of activity and can
7 reduce childhood obesity and the symptoms of attention deficit
8 hyperactivity disorder; and

9 (e) Greater understanding of and engagement with the
10 environment can give students a greater sense of their responsibility as
11 future stewards of the environment and better prepare them to address the
12 challenges and opportunities of making decision that impact the health of
13 the environment, the success of Colorado's communities, and the vitality
14 of the state's economy.

15 (2) The general assembly concludes, therefore, that enacting the
16 Colorado kids outdoors grant program and directing the department of
17 education to adopt a state plan for environmental education is necessary
18 in order to:

19 (a) Help ensure greater coordination and cooperation among state
20 agencies and private organizations in providing to Colorado's youth
21 high-quality experiences in Colorado's vast range of natural environments
22 and a greater understanding of and appreciation for the complex
23 ecosystems of the state; and

24 (b) Improve statewide access to environmental education and raise
25 awareness for the need for and benefits of outdoor experiences as part of
26 the broad scope of public education provided by the state.

27 **SECTION 2.** Part 1 of article 33 of title 24, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
2 read:

3 **24-33-109.5. Colorado kids outdoors grant program - created**
4 **- definitions - fund created - rules - report - repeal.** (1) AS USED IN
5 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (a) "ADVISORY COUNCIL" MEANS THE COLORADO KIDS OUTDOORS
7 ADVISORY COUNCIL CREATED IN SUBSECTION (4) OF THIS SECTION.

8 (b) "ELIGIBLE ENTITY" MEANS:

9 (I) A SCHOOL DISTRICT; A BOARD OF COOPERATIVE SERVICES
10 CREATED PURSUANT TO ARTICLE 5 OF TITLE 22, C.R.S.; A DISTRICT
11 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
12 1 OF ARTICLE 30.5 OF TITLE 22, C.R.S.; OR AN INSTITUTE CHARTER SCHOOL
13 AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO
14 PART 5 OF ARTICLE 30.5 OF TITLE 22, C.R.S.; OR

15 (II) A NONPROFIT ORGANIZATION OR AN AGENCY OF THE STATE OR
16 A LOCAL GOVERNMENT, WHICH ORGANIZATION OR AGENCY PROVIDES
17 OUTDOOR ACTIVITIES FOR YOUTH THAT EMPHASIZE THE ENVIRONMENT
18 AND EXPERIENTIAL, FIELD-BASED LEARNING.

19 (c) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
20 THE DEPARTMENT OF NATURAL RESOURCES.

21 (d) "FUND" MEANS THE COLORADO KIDS OUTDOORS GRANT
22 PROGRAM FUND CREATED IN SUBSECTION (6) OF THIS SECTION.

23 (e) "GRANT PROGRAM" MEANS THE COLORADO KIDS OUTDOORS
24 GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

25 (2) THERE IS HEREBY CREATED IN THE OFFICE OF THE EXECUTIVE
26 DIRECTOR THE COLORADO KIDS OUTDOORS GRANT PROGRAM TO FUND
27 OPPORTUNITIES FOR COLORADO YOUTH TO PARTICIPATE IN OUTDOOR

1 ACTIVITIES IN THE STATE, INCLUDING BUT NOT LIMITED TO PROGRAMS
2 THAT EMPHASIZE THE ENVIRONMENT AND EXPERIENTIAL, FIELD-BASED
3 LEARNING. THE GRANT PROGRAM SHALL BE FUNDED SOLELY THROUGH
4 PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE
5 DEPARTMENT OF NATURAL RESOURCES FOR SAID PURPOSE PURSUANT TO
6 SUBSECTION (6) OF THIS SECTION.

7 (3) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES IN
8 ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT",
9 ARTICLE 4 OF THIS TITLE, TO IMPLEMENT THE GRANT PROGRAM. AT A
10 MINIMUM, THE RULES SHALL SPECIFY:

11 (a) THE PROCEDURES, TIMELINES, AND FORM FOR APPLYING FOR A
12 GRANT; AND

13 (b) CRITERIA FOR SELECTING GRANT RECIPIENTS, WHICH CRITERIA
14 SHALL ADDRESS, AT A MINIMUM:

15 (I) PROVIDING OUTDOOR ACTIVITIES FOR YOUTH WHO RESIDE IN
16 THE METROPOLITAN AND URBAN AREAS OF THE STATE;

17 (II) PROVIDING OUTDOOR ACTIVITIES FOR YOUTH FROM
18 LOW-INCOME FAMILIES; AND

19 (III) WHETHER THE OUTDOOR ACTIVITY WILL OCCUR IN A STATE
20 PARK, A NATIONAL PARK OR MONUMENT, COUNTY OPEN SPACE, OR SOME
21 OTHER UNDEVELOPED, NATURAL AREA OF THE STATE.

22 (4) (a) THERE IS HEREBY CREATED THE COLORADO KIDS
23 OUTDOORS ADVISORY COUNCIL TO ASSIST THE EXECUTIVE DIRECTOR IN
24 IMPLEMENTING THE GRANT PROGRAM. THE ADVISORY COUNCIL SHALL
25 CONSIST OF SEVEN MEMBERS AS FOLLOWS:

26 (I) THE FOLLOWING EX OFFICIO MEMBERS OR THEIR DESIGNEES:

27 (A) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC

1 HEALTH AND ENVIRONMENT;

2 (B) THE COMMISSIONER OF EDUCATION;

3 (C) THE EXECUTIVE DIRECTOR OF THE GREAT OUTDOORS
4 COLORADO PROGRAM;

5 (D) THE DIRECTOR OF THE DIVISION OF PARKS AND OUTDOOR
6 RECREATION IN THE DEPARTMENT OF NATURAL RESOURCES; AND

7 (E) THE DIRECTOR OF THE DIVISION OF WILDLIFE IN THE
8 DEPARTMENT OF NATURAL RESOURCES; AND

9 (II) TWO PERSONS WITH EXPERTISE IN OUTDOOR RECREATION AND
10 ENVIRONMENTAL EDUCATION, ONE OF WHOM IS APPOINTED BY THE
11 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES AND
12 ONE OF WHOM IS APPOINTED BY THE COMMISSIONER OF EDUCATION.

13 (b) THE APPOINTED MEMBERS OF THE ADVISORY COUNCIL SHALL
14 SERVE VOLUNTARILY AND WITHOUT REIMBURSEMENT FOR EXPENSES.
15 EACH APPOINTED MEMBER SHALL SERVE AT THE PLEASURE OF THE
16 APPOINTING AUTHORITY AND FOR A TWO-YEAR TERM. IF A VACANCY
17 ARISES IN AN APPOINTED POSITION, THE APPROPRIATE APPOINTING
18 AUTHORITY SHALL APPOINT A PERSON WHO MEETS THE CRITERIA SPECIFIED
19 IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (4) TO FILL
20 THE VACANCY.

21 (c) THE ADVISORY COUNCIL SHALL HAVE THE FOLLOWING DUTIES:

22 (I) TO REVIEW GRANT APPLICATIONS RECEIVED BY THE OFFICE OF
23 THE EXECUTIVE DIRECTOR AND MAKE RECOMMENDATIONS TO THE
24 EXECUTIVE DIRECTOR FOR GRANT AWARDS;

25 (II) TO ASSIST THE EXECUTIVE DIRECTOR IN ESTABLISHING THE
26 CRITERIA FOR AWARDING GRANTS THROUGH THE GRANT PROGRAM; AND

27 (III) TO OTHERWISE ADVISE THE EXECUTIVE DIRECTOR

1 CONCERNING IMPLEMENTATION OF THE GRANT PROGRAM.

2 (d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2020.
3 PRIOR TO SAID REPEAL, THE ADVISORY COUNCIL SHALL BE REVIEWED AS
4 PROVIDED IN SECTION 2-3-1203, C.R.S.

5 (5) AN ELIGIBLE ENTITY THAT SEEKS A GRANT THROUGH THE
6 GRANT PROGRAM SHALL SUBMIT AN APPLICATION TO THE OFFICE OF THE
7 EXECUTIVE DIRECTOR IN ACCORDANCE WITH RULES PROMULGATED BY THE
8 EXECUTIVE DIRECTOR. SUBJECT TO THE AVAILABILITY OF FUNDING, THE
9 EXECUTIVE DIRECTOR SHALL SELECT GRANT RECIPIENTS, SPECIFYING THE
10 AMOUNT TO BE AWARDED, TAKING INTO ACCOUNT THE
11 RECOMMENDATIONS OF THE ADVISORY COUNCIL AND THE CRITERIA
12 ESTABLISHED IN RULE.

13 (6) (a) THE DEPARTMENT OF NATURAL RESOURCES IS AUTHORIZED
14 TO SEEK, ACCEPT, AND EXPEND PUBLIC OR PRIVATE GIFTS, GRANTS, OR
15 DONATIONS FOR THE IMPLEMENTATION OF THE GRANT PROGRAM; EXCEPT
16 THAT THE DEPARTMENT OF NATURAL RESOURCES MAY NOT ACCEPT A GIFT,
17 GRANT, OR DONATION FOR THE GRANT PROGRAM THAT IS SUBJECT TO
18 CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER
19 LAW OF THE STATE. THE DEPARTMENT OF NATURAL RESOURCES SHALL
20 TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS,
21 GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT
22 THE SAME TO THE COLORADO KIDS OUTDOORS GRANT PROGRAM FUND,
23 WHICH FUND IS HEREBY CREATED. THE MONEYS IN THE FUND ARE
24 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF NATURAL
25 RESOURCES FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH
26 IMPLEMENTING THIS SECTION.

27 (b) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE

1 OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS
2 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
3 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
4 TO THE FUND. THE DEPARTMENT OF NATURAL RESOURCES MAY EXPEND
5 UP TO TWO PERCENT OF THE MONEYS ANNUALLY CREDITED TO THE FUND
6 TO OFFSET THE COSTS INCURRED IN IMPLEMENTING THE GRANT PROGRAM.
7 ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND
8 AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
9 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

10 (7) ON OR BEFORE FEBRUARY 1, 2011, AND ON OR BEFORE
11 FEBRUARY 1 EACH YEAR THEREAFTER IN WHICH THE EXECUTIVE DIRECTOR
12 AWARDS GRANTS PURSUANT TO THE GRANT PROGRAM, THE EXECUTIVE
13 DIRECTOR SHALL SUBMIT TO THE AGRICULTURE, LIVESTOCK, AND
14 NATURAL RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR
15 ANY SUCCESSOR COMMITTEE, THE AGRICULTURE AND NATURAL
16 RESOURCES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEE,
17 AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES
18 AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT
19 SUMMARIZING THE FOLLOWING INFORMATION FOR THE PRECEDING FISCAL
20 YEAR:

21 (a) THE AMOUNT RECEIVED FOR IMPLEMENTATION OF THE GRANT
22 PROGRAM AND THE SOURCES OF SAID AMOUNT;

23 (b) THE ELIGIBLE ENTITIES THAT RECEIVED GRANTS AND THE
24 AMOUNTS AWARDED TO EACH RECIPIENT; AND

25 (c) THE ACTIVITIES FUNDED WITH THE GRANT AWARDS.

26 **SECTION 3.** 2-3-1203 (3), Colorado Revised Statutes, is
27 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1 **2-3-1203. Sunset review of advisory committees.** (3) The
2 following dates are the dates for which the statutory authorization for the
3 designated advisory committees is scheduled for repeal:

4 (gg) JULY 1, 2020: THE COLORADO KIDS OUTDOORS ADVISORY
5 COUNCIL CREATED PURSUANT TO SECTION 24-33-109.5, C.R.S.

6 **SECTION 4.** Part 1 of article 2 of title 22, Colorado Revised
7 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
8 read:

9 **22-2-138. State environmental education plan - fund created.**

10 (1) SUBJECT TO THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION, THE
11 DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF NATURAL
12 RESOURCES, SHALL DEVELOP AND THE STATE BOARD SHALL ADOPT A
13 STATE PLAN FOR ENVIRONMENTAL EDUCATION. AT A MINIMUM, THE
14 STATE PLAN FOR ENVIRONMENTAL EDUCATION SHALL ADDRESS
15 STRENGTHENING THE REACH AND COORDINATION OF ENVIRONMENTAL
16 EDUCATION IN PUBLIC SCHOOLS AND PROVIDING TO EDUCATORS
17 PROFESSIONAL DEVELOPMENT IN ENVIRONMENTAL EDUCATION. THE
18 DEPARTMENT SHALL ENSURE THAT THE STATE PLAN FOR ENVIRONMENTAL
19 EDUCATION COMPLIES WITH ANY REQUIREMENTS IMPOSED BY FEDERAL
20 LAW OR BY REGULATIONS ADOPTED BY THE FEDERAL DEPARTMENT OF
21 EDUCATION.

22 (2) (a) THE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT, AND
23 EXPEND PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS FOR THE
24 IMPLEMENTATION OF THIS SECTION; EXCEPT THAT THE DEPARTMENT MAY
25 NOT ACCEPT A GIFT, GRANT, OR DONATION FOR THE IMPLEMENTATION OF
26 THIS SECTION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT
27 WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. THE DEPARTMENT

1 SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH
2 GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL
3 CREDIT THE SAME TO THE STATE ENVIRONMENTAL EDUCATION FUND,
4 WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS
5 THE "FUND". THE MONEYS IN THE FUND ARE CONTINUOUSLY
6 APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS
7 ASSOCIATED WITH IMPLEMENTING THIS SECTION.

8 (b) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE
9 OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS
10 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
11 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
12 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
13 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
14 THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
15 GENERAL FUND OR ANOTHER FUND.

16 (3) THE DEPARTMENT SHALL IMPLEMENT THE PROVISIONS OF
17 SUBSECTION (1) OF THIS SECTION ONLY IF THE DEPARTMENT RECEIVES
18 PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS IN AN AMOUNT IT
19 DEEMS SUFFICIENT TO OFFSET THE COSTS INCURRED IN CREATING AND
20 ADOPTING THE STATE PLAN FOR ENVIRONMENTAL EDUCATION.

21 **SECTION 5. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.