

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

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

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.*

SENATE
Am ended 2nd Reading
May 7, 2010

HOUSE
3rd Reading Unamended
March 3, 2010

HOUSE
Am ended 2nd Reading
March 2, 2010

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;

9 (e) Promoting sportsmen's activities and recreations, including
10 hunting and fishing, creates opportunities for youth to interact with their
11 parents, provides circumstances in which to develop positive social and
12 behavioral traits, and expands youths' understanding of the important role
13 sportsmen play in wildlife and habitat conservation;

14 (f) Many youth lack an understanding of the opportunities that are
15 unique to persons in Colorado for developing careers and life skills
16 relating to natural resources and the science, agricultural, and recreational
17 outdoor industries that operate in the state; and

18 (g) Greater understanding of and engagement with the
19 environment can give students a greater sense of their responsibility as
20 future stewards of the environment and better prepare them to address the
21 challenges and opportunities of making decision that impact the health of
22 the environment, the success of Colorado's communities, and the vitality
23 of the state's economy.

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

1 (a) Help ensure greater coordination and cooperation among state
2 agencies and private organizations in providing to Colorado's youth
3 high-quality experiences in Colorado's vast range of natural environments
4 and a greater understanding of and appreciation for the complex
5 ecosystems of the state; and

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

9 **SECTION 2.** Part 1 of article 33 of title 24, Colorado Revised
10 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
11 read:

12 **24-33-109.5. Colorado kids outdoors grant program - created**
13 **- definitions - fund created - rules - report - repeal.** (1) AS USED IN
14 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

17 (b) "ELIGIBLE ENTITY" MEANS:

18 (I) A SCHOOL DISTRICT; A BOARD OF COOPERATIVE SERVICES
19 CREATED PURSUANT TO ARTICLE 5 OF TITLE 22, C.R.S.; A DISTRICT
20 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
21 1 OF ARTICLE 30.5 OF TITLE 22, C.R.S.; AN INSTITUTE CHARTER SCHOOL
22 AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO
23 PART 5 OF ARTICLE 30.5 OF TITLE 22, C.R.S., OR AN APPROVED FACILITY
24 SCHOOL AS DEFINED IN SECTION 22-2-402 (1), C.R.S.; OR

25 (II) A NONPROFIT ORGANIZATION OR AN AGENCY OF THE STATE OR
26 A LOCAL GOVERNMENT, WHICH ORGANIZATION OR AGENCY PROVIDES
27 OUTDOOR ACTIVITIES FOR YOUTH THAT EMPHASIZE THE ENVIRONMENT

1 AND EXPERIENTIAL, FIELD-BASED LEARNING.

2 (c) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
3 THE DEPARTMENT OF NATURAL RESOURCES.

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

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

8 (2) THERE IS HEREBY CREATED IN THE OFFICE OF THE EXECUTIVE
9 DIRECTOR THE COLORADO KIDS OUTDOORS GRANT PROGRAM TO FUND
10 OPPORTUNITIES FOR COLORADO YOUTH TO PARTICIPATE IN OUTDOOR
11 ACTIVITIES IN THE STATE, INCLUDING BUT NOT LIMITED TO PROGRAMS
12 THAT EMPHASIZE THE ENVIRONMENT AND EXPERIENTIAL, FIELD-BASED
13 LEARNING. THE GRANT PROGRAM SHALL BE FUNDED THROUGH PUBLIC
14 OR PRIVATE GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE
15 DEPARTMENT OF NATURAL RESOURCES FOR SAID PURPOSE PURSUANT TO
16 SUBSECTION (6) OF THIS SECTION. IN ADDITION, THE EXECUTIVE DIRECTOR
17 MAY USE MONEYS RECEIVED BY THE DEPARTMENT OF NATURAL
18 RESOURCES FOR THE PURPOSES OF SECTION 24-33-109 (2) TO MAKE
19 AWARDS THROUGH THE GRANT PROGRAM TO ELIGIBLE ENTITIES THAT
20 PROVIDE OUTDOOR ACTIVITIES THAT MEET THE CRITERION SPECIFIED IN
21 SUBPARAGRAPH (V) OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS
22 SECTION. THE GRANT PROGRAM SHALL NOT RECEIVE APPROPRIATIONS OF
23 GENERAL FUND MONEYS.

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

1 (a) THE PROCEDURES, TIMELINES, AND FORM FOR APPLYING FOR A
2 GRANT; AND

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

5 (I) PROVIDING OUTDOOR ACTIVITIES FOR YOUTH WHO RESIDE IN
6 THE METROPOLITAN, URBAN, AND RURAL AREAS OF THE STATE;

7 (II) ENCOURAGING YOUTH TO PARTICIPATE WITH THEIR PARENTS
8 OR LEGAL GUARDIANS IN OUTDOOR ACTIVITIES;

9 (III) PROVIDING OUTDOOR ACTIVITIES FOR YOUTH FROM
10 LOW-INCOME FAMILIES; ■

11 (IV) WHETHER THE OUTDOOR ACTIVITY WILL OCCUR IN A STATE
12 PARK, A NATIONAL PARK OR MONUMENT, COUNTY OPEN SPACE, OR SOME
13 OTHER NATURAL AREA OF THE STATE THAT IS EITHER DEVELOPED FOR
14 OUTDOOR RECREATIONAL ACTIVITIES OR UNDEVELOPED; AND

15 (V) WHETHER THE OUTDOOR ACTIVITY IS DESIGNED TO FOSTER AN
16 INTEREST IN AND A SENSE OF STEWARDSHIP TOWARD THE NATURAL
17 RESOURCES OF THE STATE BY PROVIDING SUMMER JOBS FOR YOUTH
18 INTERESTED IN CAREERS IN NATURAL RESOURCES OR PROVIDING OTHER
19 CAREER DEVELOPMENT OPPORTUNITIES; EXCEPT THAT THIS CRITERION IS
20 APPLICABLE ONLY TO GRANTS AWARDED FROM MONEYS RECEIVED BY THE
21 DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSES OF SECTION
22 24-33-109 (2).

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

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

1 (A) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
2 HEALTH AND ENVIRONMENT;

3 (B) THE COMMISSIONER OF EDUCATION;

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

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

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

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

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

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

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

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

1 (III) TO OTHERWISE ADVISE THE EXECUTIVE DIRECTOR
2 CONCERNING IMPLEMENTATION OF THE GRANT PROGRAM.

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

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

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

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

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

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

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

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

27 **SECTION 3.** 2-3-1203 (3), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

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

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

10 **22-2-138. State environmental education plan - fund created.**

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

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

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

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

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

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