

CHAPTER 272

NATURAL RESOURCES

HOUSE BILL 21-1318

BY REPRESENTATIVE(S) Herod and Ortiz, Amabile, Bacon, Bernett, Bird, Boesenecker, Cutter, Duran, Esgar, Exum, Hooton, Jackson, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Ricks, Roberts, Sirota, Snyder, Titone, Valdez A., Valdez D., Weissman, Garnett;
also SENATOR(S) Garcia and Jaquez Lewis, Bridges, Buckner, Danielson, Donovan, Fenberg, Fields, Ginal, Gonzales, Moreno, Pettersen, Priola, Story, Winter.

AN ACT

CONCERNING THE CREATION OF THE OUTDOOR EQUITY GRANT PROGRAM, AND, IN CONNECTION THEREWITH, FUNDING THE GRANT PROGRAM FROM LOTTERY MONEY, AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** part 2 to article 9 of title 33 as follows:

**PART 2
OUTDOOR EQUITY GRANT PROGRAM**

33-9-201. Legislative declaration. (1) **THE GENERAL ASSEMBLY FINDS THAT:**

(a) **THE PURPOSE OF THE OUTDOOR EQUITY GRANT PROGRAM IS TO INCREASE ACCESS AND OPPORTUNITY FOR UNDERSERVED YOUTH AND THEIR FAMILIES TO EXPERIENCE COLORADO'S OPEN SPACES, STATE PARKS, PUBLIC LANDS, AND OTHER OUTDOOR AREAS THROUGH PROGRAMS WITH A FOCUS ON CONSERVATION, THE ENVIRONMENT, OUTDOOR EDUCATION, OR OUTDOOR RECREATION;**

(b) **COLORADO IS A STATE OF DYNAMIC GROWTH, CHANGE, AND PROGRESS. IT IS INTERNATIONALLY RENOWNED FOR ITS BEAUTY AND VAST SCOPE OF YEAR-ROUND OUTDOOR ACTIVITIES, NATURAL LANDSCAPES, AND MOUNTAIN ADVENTURES.**

(c) **PARADOXICALLY, DESPITE THE PLETHORA OF OUTDOOR OPPORTUNITIES, CERTAIN DEMOGRAPHICS OF COLORADO YOUTH AND THEIR FAMILIES FACE REAL**

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

CHALLENGES AND OBSTACLES TO ACCESSING NATURE;

(d) A CLEAR LACK OF EQUITY EXISTS FOR LOW-INCOME, INNER-CITY, RURAL, RACIALLY, AND ETHNICALLY DIVERSE YOUTH, FOR YOUTH WHO ARE LESBIAN, GAY, BISEXUAL, TRANSGENDER, OR QUEER OR QUESTIONING, FOR NATIVE AMERICAN OR INDIGENOUS YOUTH, AND FOR YOUTH WITH DISABILITIES TO ENGAGE IN MEANINGFUL OUTDOOR EXPERIENCES AND NATURE-BASED EDUCATION;

(e) HISTORIC AND CHRONIC SYSTEMIC INEQUITIES HAVE MADE ACCESS TO NATURE MORE CHALLENGING FOR THESE YOUTH;

(f) RESEARCH CONFIRMS THAT TIME SPENT OUTSIDE IS ESSENTIAL TO HEALTH AND WELL-BEING; IT IMPROVES PHYSICAL AND MENTAL HEALTH, REDUCES STRESS, AND ENHANCES SOCIAL SKILLS; AND

(g) MORE TIME SPENT IN NATURE FOR DISPOSSESSED YOUTH CAN TRANSLATE TO BETTER ACADEMIC PERFORMANCE, INCREASED ENTHUSIASM FOR SCHOOL AND SCHOOL ACTIVITIES, AND A LESSENED LIKELIHOOD FOR ATTENDANCE PROBLEMS.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT IT IS NECESSARY TO ESTABLISH AN OUTDOOR EQUITY GRANT PROGRAM TO FUND PROGRAMS AND MEANINGFUL EXPERIENCES LED BY COMMUNITY MEMBERS AND LEADERS WHO UNDERSTAND THE UNIQUE NEEDS AND PERSPECTIVES OF UNDERSERVED YOUTH AND THEIR COMMUNITIES IN ORDER TO ENSURE LONG-TERM AND SUSTAINABLE INVESTMENTS FOR NEW GENERATIONS OF OUTDOOR ENTHUSIASTS AND CONSERVATIONISTS.

33-9-202. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "APPLICANT" MEANS A GOVERNMENTAL ENTITY, A NONPROFIT ORGANIZATION, A FOR-PROFIT ORGANIZATION, OR A FEDERALLY RECOGNIZED TRIBE THAT IS LOCATED IN THE STATE.

(2) "COLORADO OUTDOORS" MEANS COLORADO'S OPEN SPACES, STATE PARKS, PUBLIC LANDS, AND OTHER OUTDOOR RECREATION AREAS.

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

(4) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF PARKS AND WILDLIFE.

(5) "DIVISION" MEANS THE DIVISION OF PARKS AND WILDLIFE, CREATED IN SECTION 33-9-104.

(6) "ELIGIBLE YOUTH" MEANS A PERSON WHO RESIDES IN COLORADO AND WHO IS ELIGIBLE FOR ADMISSION TO PUBLIC SCHOOL IN THE STATE OR WHO IS NO LONGER ELIGIBLE FOR ADMISSION TO PUBLIC SCHOOL IN THE STATE BUT IS NOT YET TWENTY-SIX YEARS OLD, AND INCLUDES THE PERSON'S FAMILY.

(7) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES.

(8) "LOW INCOME" MEANS MEDIAN HOUSEHOLD INCOME THAT IS LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LINE.

(9) "OUTDOOR EQUITY BOARD" OR "BOARD" MEANS THE OUTDOOR EQUITY BOARD CREATED IN SECTION 33-9-203.

(10) "OUTDOOR EQUITY FUND" OR "FUND" MEANS THE OUTDOOR EQUITY FUND CREATED IN SECTION 33-9-206.

(11) "OUTDOOR EQUITY GRANT PROGRAM" OR "GRANT PROGRAM" MEANS THE OUTDOOR EQUITY GRANT PROGRAM CREATED IN SECTION 33-9-205.

33-9-203. Outdoor equity board - creation - terms - per diem and expense reimbursement. (1) THERE IS HEREBY CREATED THE OUTDOOR EQUITY BOARD IN THE DIVISION OF PARKS AND WILDLIFE. THE BOARD IS RESPONSIBLE FOR THE GOVERNANCE OF THE OUTDOOR EQUITY GRANT PROGRAM.

(2) THE BOARD CONSISTS OF THE FOLLOWING NINE VOTING MEMBERS AS FOLLOWS:

(a) ONE MEMBER PERSONALLY IMPACTED BY AND WITH EXPERIENCE IN RACIAL JUSTICE ISSUES;

(b) ONE MEMBER PERSONALLY IMPACTED BY AND WITH EXPERIENCE IN ENVIRONMENTAL JUSTICE ISSUES;

(c) ONE MEMBER WITH EXPERIENCE WORKING ON CONSERVATION ISSUES;

(d) ONE MEMBER WITH EXPERIENCE IN PROVIDING OUTDOOR EDUCATION PROGRAMS;

(e) ONE MEMBER PERSONALLY IMPACTED BY AND WITH EXPERIENCE IN DISABILITY-ACCESSIBLE OUTDOOR PROGRAMMING;

(f) ONE MEMBER PERSONALLY IMPACTED BY AND WITH EXPERIENCE IN EQUITY FOR INDIVIDUALS WHO ARE LESBIAN, GAY, BISEXUAL, TRANSGENDER, OR QUEER OR QUESTIONING; AND

(g) THREE YOUTH MEMBERS FROM COMMUNITIES ELIGIBLE TO BE SERVED BY THE GRANT PROGRAM AT THE TIME OF THEIR APPOINTMENT.

(3) THE BOARD CONSISTS OF THE FOLLOWING THREE NONVOTING MEMBERS AS FOLLOWS:

(a) THE DIRECTOR OF THE COLORADO OUTDOOR RECREATION INDUSTRY OFFICE, CREATED IN SECTION 24-48.5-129, OR THEIR APPOINTEE;

(b) THE DIRECTOR OF THE DIVISION OF PARKS AND WILDLIFE, OR THEIR APPOINTEE; AND

(c) THE EXECUTIVE DIRECTOR OF THE GREAT OUTDOORS COLORADO PROGRAM,

OR THEIR APPOINTEE.

(4) (a) THE DIRECTOR SHALL APPOINT THE VOTING MEMBERS OF THE BOARD IN CONSULTATION WITH THE EXECUTIVE DIRECTOR.

(b) THE DIRECTOR SHALL ACCEPT NOMINATIONS FOR BOARD MEMBERS THROUGH AN OPEN AND PUBLIC PROCESS ESTABLISHED BY THE DIVISION THAT ENGAGES NONPROFIT AND PUBLIC ORGANIZATIONS THAT HAVE A FOCUS ON RACIAL EQUITY, ENVIRONMENTAL JUSTICE, CONSERVATION AND STEWARDSHIP, YOUTH ACTIVITY AND ENGAGEMENT, EDUCATION, DISABILITY ADVOCACY AND ACCESSIBILITY, ADVOCACY AND ACCESSIBILITY FOR INDIVIDUALS WHO ARE LESBIAN, GAY, BISEXUAL, TRANSGENDER, OR QUEER OR QUESTIONING, ADVOCACY FOR NATIVE AMERICAN OR INDIGENOUS PEOPLE, AND OTHER RELEVANT AREAS OF FOCUS, AND THAT:

(I) WORK TO ENSURE THAT YOUTH AND THEIR FAMILIES HAVE ACCESS, REPRESENTATION, MEANINGFUL PARTICIPATION, AND QUALITY EXPERIENCES IN THE OUTDOORS;

(II) PROMOTE CULTURALLY RESPONSIVE PROGRAMS, POLICIES, PROTOCOLS, AND STAFFING IN THE OUTDOORS; AND

(III) RAISE AWARENESS OF AND SEEK TO ADDRESS THE ROOT CAUSES OF THE ENVIRONMENTAL DISPARITIES FACING UNDERSERVED COMMUNITIES.

(5) TO THE EXTENT POSSIBLE, THE DIRECTOR SHALL ATTEMPT TO APPOINT VOTING MEMBERS OF THE BOARD:

(a) WHO HAVE EXPERIENCE PROVIDING EDUCATIONAL EXPERIENCES TO UNDERSERVED YOUTH; AND

(b) WHO REFLECT THE DIVERSITY OF THE STATE WITH REGARD TO RACE, ETHNICITY, GENDER, IMMIGRATION STATUS, INCOME, WEALTH, ABILITY, AND GEOGRAPHY.

(6) THE DIRECTOR SHALL MAKE INITIAL APPOINTMENTS TO THE BOARD BY OCTOBER 15, 2021.

(7) (a) EXCEPT AS PROVIDED IN SUBSECTIONS (7)(b) AND (7)(c) OF THIS SECTION, THE TERM OF OFFICE OF THE MEMBERS OF THE BOARD APPOINTED BY THE DIRECTOR IS FOUR YEARS.

(b) IN ORDER TO ENSURE STAGGERED TERMS OF OFFICE, THE INITIAL TERM OF OFFICE OF THE MEMBERS OF THE BOARD IS:

(I) TWO YEARS FOR THE MEMBERS APPOINTED PURSUANT TO SUBSECTIONS (2)(a), (2)(b), AND (2)(c) OF THIS SECTION; AND

(II) FOUR YEARS FOR THE MEMBERS APPOINTED PURSUANT TO SUBSECTIONS (2)(d), (2)(e), AND (2)(f) OF THIS SECTION.

(c) THE TERM OF OFFICE FOR TWO OF THE YOUTH MEMBERS OF THE BOARD IS TWO

YEARS AND THE TERM OF OFFICE FOR ONE OF THE YOUTH MEMBERS OF THE BOARD IS ONE YEAR, AS ESTABLISHED BY THE DIRECTOR.

(d) BOARD MEMBERS MAY SERVE NO MORE THAN TWO TERMS.

(e) A MEMBER WHO IS APPOINTED TO FILL A VACANCY SHALL SERVE THE REMAINDER OF THE UNEXPIRED TERM OF THE MEMBER WHOSE VACANCY IS BEING FILLED; THE REMAINDER COUNTS AS ONE TERM FOR THAT APPOINTEE.

(8) (a) VOTING MEMBERS OF THE BOARD RECEIVE A PER DIEM OF TWO HUNDRED DOLLARS FOR ATTENDANCE AT REGULARLY SCHEDULED MEETINGS OF THE BOARD DURING THE 2021-22 STATE FISCAL YEAR, AND TWO HUNDRED DOLLARS AS ANNUALLY ADJUSTED FOR INFLATION BASED ON THE PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, DURING THE 2022-23 STATE FISCAL YEAR AND EACH STATE FISCAL YEAR THEREAFTER. VOTING MEMBERS OF THE BOARD ARE ALSO REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED WHILE PERFORMING OFFICIAL DUTIES, TOGETHER WITH MILEAGE AT THE RATE AT WHICH MEMBERS OF THE GENERAL ASSEMBLY ARE REIMBURSED PURSUANT TO SECTION 2-2-317.

(b) NONVOTING MEMBERS MAY NOT RECEIVE PER DIEM, BUT MAY BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED WHILE PERFORMING OFFICIAL DUTIES, TOGETHER WITH MILEAGE AT THE RATE AT WHICH MEMBERS OF THE GENERAL ASSEMBLY ARE REIMBURSED PURSUANT TO SECTION 2-2-317.

33-9-204. Outdoor equity board - duties. (1) THE BOARD SHALL MEET AS OFTEN AS NECESSARY TO CARRY OUT THE FOLLOWING DUTIES AND RESPONSIBILITIES:

(a) TO CREATE AN OUTDOOR EQUITY WEBSITE;

(b) TO ADMINISTER THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS, AWARD GRANTS AS PROVIDED IN SECTION 33-9-205;

(c) TO ESTABLISH ANY POLICIES AS ARE NECESSARY OR EXPEDIENT FOR THE CONDUCT OF ITS AFFAIRS AND ITS MEETINGS AND TO POST THOSE POLICIES ON ITS WEBSITE, INCLUDING:

(I) A CONFLICT OF INTEREST POLICY FOR ITS MEMBERS IN ORDER TO PREVENT THOSE WHO SERVE ON THE BOARD FROM BENEFITTING FROM THE GRANT PROGRAM;

(II) POLICIES RELATED TO TIME FRAMES FOR APPLYING FOR GRANTS AND FOR THE DISTRIBUTION OF GRANT MONEY UNDER SECTION 33-9-205; AND

(III) POLICIES RELATED TO THE FORM OF THE GRANT PROGRAM APPLICATION, SO AS TO ENSURE THAT THE APPLICATIONS ARE CONCISE, STRAIGHTFORWARD, OBJECTIVE, INCLUSIVE, AND ACCESSIBLE TO ALL INTERESTED PARTIES;

(d) TO ESTABLISH MEANINGFUL QUANTITATIVE AND QUALITATIVE GRANT REPORTING REQUIREMENTS THAT ALLOW THE GRANTEEES TO HIGHLIGHT WHO THEY

ARE SERVING AND HOW THEY ARE SERVING THEM, INCLUDING REPORTS ON THE ETHNIC AND RACIAL MAKEUP OF THE PARTICIPANTS OF PROGRAMS FUNDED, THE AGES AND LOCALITIES OF PROGRAM PARTICIPANTS, THE TYPES OF PROGRAMMING FUNDED, AND OTHER RELEVANT CRITERIA THAT THE BOARD SEES FIT;

(e) TO COMPILE AN ANNUAL REPORT THAT DETAILS INFORMATION ABOUT THE PROGRAMS THAT ARE AWARDED GRANTS, INCLUDING: THE ETHNIC AND RACIAL MAKEUP OF THE PARTICIPANTS, THE AGES AND LOCALITIES OF PARTICIPANTS, THE TYPES OF PROGRAMS, AND OTHER RELEVANT INFORMATION THAT THE BOARD SEES FIT; AND

(f) (I) TO PRESENT THE REPORT DESCRIBED IN SUBSECTION (1)(e) OF THIS SECTION TO THE DEPARTMENT AND THE PARKS AND WILDLIFE COMMISSION, AND TO MAKE THE REPORT PUBLICLY ACCESSIBLE, INCLUDING POSTING THE REPORT ON THE BOARD'S WEBSITE.

(II) IN JANUARY 2023, AND EACH JANUARY THEREAFTER, THE DEPARTMENT SHALL REPORT ON THE GRANT PROGRAM, INCLUDING A SUMMARY OF THE REPORT DESCRIBED IN SUBSECTION (1)(e) OF THIS SECTION, AS PART OF THE DEPARTMENT'S PRESENTATION TO ITS COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT".

(2) THE BOARD IS SUBJECT TO ALL THE APPLICABLE REQUIREMENTS OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, AND THE OPEN MEETINGS LAW CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE 24.

33-9-205. Outdoor equity grant program - creation. (1) THE BOARD SHALL IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION AND THE POLICIES IT ESTABLISHES UNDER SECTION 33-9-204 (1)(c).

(2) TO RECEIVE A GRANT, AN APPLICANT MUST SUBMIT AN APPLICATION TO THE BOARD.

(3) THE BOARD SHALL REVIEW EACH APPLICATION IT RECEIVES AND MAY AWARD GRANTS TO APPLICANTS THAT WILL DIRECTLY UTILIZE THE GRANT TO ENGAGE RACIALLY OR ETHNICALLY DIVERSE ELIGIBLE YOUTH WHO ARE FROM LOW-INCOME FAMILIES, ENGAGE ELIGIBLE YOUTH WHO ARE LESBIAN, GAY, BISEXUAL, TRANSGENDER, OR QUEER OR QUESTIONING, ENGAGE NATIVE AMERICAN OR INDIGENOUS YOUTH, OR ENGAGE ELIGIBLE YOUTH WITH DISABILITIES IN SUCH A WAY SO AS TO BUILD SUSTAINABILITY AND CAPACITY FOR SUCH HISTORICALLY UNDERSERVED COMMUNITIES, AND SO AS TO:

(a) REDUCE BARRIERS TO THE COLORADO OUTDOORS;

(b) CREATE PATHWAYS FOR FORMAL OR INFORMAL CONSERVATION OF THE COLORADO OUTDOORS; OR

(c) OFFER ENVIRONMENTAL AND COLORADO OUTDOOR-BASED EDUCATIONAL OPPORTUNITIES.

(4) SUBJECT TO AVAILABLE APPROPRIATIONS, GRANTS SHALL BE PAID OUT OF THE OUTDOOR EQUITY FUND CREATED IN SECTION 33-9-206.

33-9-206. Outdoor equity fund. (1) (a) THE OUTDOOR EQUITY FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SECTION 44-40-111 (12). ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE OUTDOOR EQUITY FUND MUST BE CREDITED TO THE FUND AND MAY NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND AT THE END OF ANY FISCAL YEAR. ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE OUTDOOR EQUITY FUND AT THE END OF A FISCAL YEAR STAYS IN THE FUND.

(b) THE MONEY CREDITED TO THE OUTDOOR EQUITY FUND PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION AND ANY INCOME AND INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF SUCH MONEY IS EXEMPT FROM ANY RESTRICTION ON SPENDING, REVENUE, OR APPROPRIATIONS, INCLUDING, WITHOUT LIMITATION, THE RESTRICTIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(2) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DIVISION MAY EXPEND MONEY FROM THE OUTDOOR EQUITY FUND TO IMPLEMENT THE OUTDOOR EQUITY GRANT PROGRAM. THE DEPARTMENT MAY USE MONEY IN THE OUTDOOR EQUITY FUND TO PAY THE DIRECT AND INDIRECT COSTS THAT THE DEPARTMENT INCURS TO ADMINISTER THIS PART 2, ASSIST THE OUTDOOR EQUITY BOARD, AND PAY THE PER DIEM AND EXPENSES OF THE OUTDOOR EQUITY BOARD MEMBERS.

(3) THE OUTDOOR EQUITY BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, LOANS OF MONEY, OR AID IN ANY FORM FROM THE FEDERAL GOVERNMENT, ANY STATE AGENCY, ANY LOCAL GOVERNMENT, OR FROM PRIVATE SOURCES, OR ANY COMBINATION THEREOF, FOR THE PURPOSES OF THIS PART 2, AND ANY SUCH MONEY MUST BE CREDITED TO THE GIFTS, GRANTS, AND DONATIONS ACCOUNT CREATED IN THE FUND. THE MONEY IN THE GIFTS, GRANTS, AND DONATIONS ACCOUNT IS CONTINUOUSLY APPROPRIATED TO THE DIVISION TO IMPLEMENT THE OUTDOOR EQUITY GRANT PROGRAM.

SECTION 2. In Colorado Revised Statutes, 44-40-111, **add** (12) as follows:

44-40-111. Lottery fund - creation - definitions. (12) (a) AS USED IN THIS SUBSECTION (12), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "OUTDOOR EQUITY FUND" MEANS THE OUTDOOR EQUITY FUND CREATED IN SECTION 33-9-206.

(II) "PARKS AND OUTDOOR RECREATION CASH FUND" MEANS THE PARKS AND OUTDOOR RECREATION CASH FUND CREATED IN SECTION 33-10-111 (1).

(III) "PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND" MEANS THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION 22-43.7-104.

(IV) "WILDLIFE CASH FUND" MEANS THE WILDLIFE CASH FUND CREATED IN

SECTION 33-1-112 (1)(a).

(b) PURSUANT TO SUBSECTION (10)(b) OF THIS SECTION, THE STATE TREASURER SHALL TRANSFER MONEY THAT WOULD OTHERWISE BE ALLOCATED TO THE GENERAL FUND PURSUANT TO SECTION 3 (1)(b)(III) OF ARTICLE XXVII OF THE STATE CONSTITUTION, AND AS DESCRIBED IN SECTION 33-60-104 (1)(c), AS FOLLOWS:

(I) FOR THE 2020-21 STATE FISCAL YEAR, TO THE EXTENT AVAILABLE, THE FIRST SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO THE OUTDOOR EQUITY FUND; THE NEXT THREE MILLION DOLLARS TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND; AND ANY REMAINING MONEY AS FOLLOWS: TWENTY-FIVE PERCENT TO THE WILDLIFE CASH FUND, TWENTY-FIVE PERCENT TO THE PARKS AND OUTDOOR RECREATION CASH FUND, AND FIFTY PERCENT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND;

(II) FOR THE 2021-22 STATE FISCAL YEAR, TO THE EXTENT AVAILABLE, THE FIRST ONE MILLION FIVE HUNDRED THOUSAND DOLLARS TO THE OUTDOOR EQUITY FUND; THE NEXT THREE MILLION DOLLARS TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND; AND ANY REMAINING MONEY AS FOLLOWS: TWENTY-FIVE PERCENT TO THE WILDLIFE CASH FUND, TWENTY-FIVE PERCENT TO THE PARKS AND OUTDOOR RECREATION CASH FUND, AND FIFTY PERCENT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND;

(III) FOR THE 2022-23 STATE FISCAL YEAR, TO THE EXTENT AVAILABLE, THE FIRST TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS TO THE OUTDOOR EQUITY FUND; THE NEXT THREE MILLION DOLLARS TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND; AND ANY REMAINING MONEY AS FOLLOWS: TWENTY-FIVE PERCENT TO THE WILDLIFE CASH FUND, TWENTY-FIVE PERCENT TO THE PARKS AND OUTDOOR RECREATION CASH FUND, AND FIFTY PERCENT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND; AND

(IV) FOR THE 2023-24 STATE FISCAL YEAR AND EACH STATE FISCAL YEAR THEREAFTER, TO THE EXTENT AVAILABLE, THE FIRST THREE MILLION DOLLARS TO THE OUTDOOR EQUITY FUND; THE NEXT THREE MILLION DOLLARS TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND; AND ANY REMAINING MONEY AS FOLLOWS: TWENTY-FIVE PERCENT TO THE WILDLIFE CASH FUND, TWENTY-FIVE PERCENT TO THE PARKS AND OUTDOOR RECREATION CASH FUND, AND FIFTY PERCENT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND.

(c) THE MONEY TRANSFERRED UNDER THIS SUBSECTION (12) AND ANY INCOME AND INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF SUCH MONEY IS EXEMPT FROM ANY RESTRICTION ON SPENDING, REVENUE, OR APPROPRIATIONS, INCLUDING, WITHOUT LIMITATION, THE RESTRICTIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

SECTION 3. In Colorado Revised Statutes, 22-43.7-104, **amend** (2)(b)(III) as follows:

22-43.7-104. Public school capital construction assistance fund - creation - crediting of money to fund - use of fund - emergency reserve - creation - reserve account - creation and use. (2) (b) For each fiscal year commencing on

or after July 1, 2008, the following moneys shall be credited to the assistance fund:

~~(III) All moneys that would otherwise be transferred to the general fund pursuant to section 3 (1)(b)(III) of article XXVII of the state constitution. ANY MONEY TRANSFERRED TO THE ASSISTANCE FUND UNDER SECTION 44-40-111 (12). The moneys credited MONEY TRANSFERRED to the assistance fund pursuant to this subparagraph (III) SUBSECTION (2)(b)(III) and any income and interest derived from the deposit and investment of such moneys shall be MONEY IS exempt from any restriction on spending, revenue, or appropriations, including, without limitation, the restrictions of section 20 of article X of the state constitution.~~

SECTION 4. In Colorado Revised Statutes, 33-60-104, **amend** (1)(c) as follows:

33-60-104. Distribution of net lottery proceeds beginning first quarter of fiscal year 1998-99. (1) For the first quarter of fiscal year 1998-99 and for each quarter thereafter, the state treasurer shall distribute net lottery proceeds as follows:

(c) All remaining net lottery proceeds in trust to the trust fund board; except that, in any state fiscal year in which the portion of net lottery proceeds which would otherwise be given in trust to the trust fund board exceeds the adjusted amount of thirty-five million dollars as determined by the state treasurer in accordance with subsection (2) of this section, the net lottery proceeds in excess of such adjusted amount shall be allocated to the general fund AND TRANSFERRED AS SPECIFIED IN SECTION 44-40-111 (12).

SECTION 5. Appropriation. For the 2021-22 state fiscal year, \$730,674 is appropriated to the department of natural resources for use by the division of parks and wildlife. This appropriation is from the outdoor equity fund created in section 33-9-206 (1)(a), C.R.S., and is based on an assumption that the division will require an additional 1.0 FTE. To implement this act, the division may use this appropriation for the outdoor equity grant program.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 21, 2021