

**NOTE: The governor signed this measure on 6/5/2013.**

# An Act

SENATE BILL 13-148

BY SENATOR(S) Kefalas and Roberts, Newell, Aguilar, Carroll, Giron, Heath, Hudak, Jahn, Johnston, Jones, Kerr, King, Schwartz, Todd, Ulibarri, Morse;

also REPRESENTATIVE(S) Peniston and Navarro, Fields, Fischer, Ginal, Hamner, Hullinghorst, Labuda, Lebsock, McLachlan, Melton, Mitsch Bush, Moreno, Pabon, Pettersen, Primavera, Rosenthal, Schafer, Singer, Vigil, Williams, Ferrandino, Court, Duran, Kraft-Tharp, Ryden, Young.

CONCERNING CONTINUATION OF THE COLORADO YOUTH ADVISORY COUNCIL.

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 2-2-1302 as follows:

**2-2-1302. Colorado youth advisory council - creation - purpose.**

(1) There is hereby created in the legislative branch the Colorado youth advisory council to examine, evaluate, and discuss the issues, interests, and needs affecting Colorado youth now and in the future and to formally advise and make recommendations to elected officials regarding those issues. The issues may include, but need not be limited to:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(a) Education AND SKILL DEVELOPMENT;

(b) Employment and economic ~~opportunity~~ OPPORTUNITIES, EDUCATIONAL OPPORTUNITIES, INCLUDING INCREASED ACCESSIBILITY TO OPPORTUNITIES FOR YOUTH IN RURAL COMMUNITIES;

(c) Access to state and local government services;

(d) The environment;

(e) Behavioral and physical health, INCLUDING SUICIDE PREVENTION;

(f) Safe environments for youth, INCLUDING PREVENTING BULLYING;

(g) Substance abuse; ~~driver's license requirements~~;

(h) Poverty; and

(i) Increased youth participation in state and local government.

**SECTION 2.** In Colorado Revised Statutes, **amend** 2-2-1303 as follows:

**2-2-1303. Membership - selection - terms.** (1) The council shall consist of forty-four members as follows:

(a) Four nonvoting legislative members, two of whom shall be members of the house of representatives and two of whom shall be members of the senate; and

(b) Thirty-five voting members representing each of the senate districts in the state and five at-large members. THE FIVE AT-LARGE MEMBERS MUST BE SELECTED TO HELP ENSURE DIVERSITY ON THE COUNCIL, WITH AN EXPRESS CONCERN FOR ADEQUATE RURAL REPRESENTATION. Members described in this paragraph (b) shall meet the following qualifications at the time of appointment:

(I) Be at least fourteen years of age but not older than nineteen years of age; and

(II) Be enrolled in and attending a Colorado junior high, middle, or high school, including an on-line OR CHARTER school OR APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402, C.R.S.; participating in a nonpublic, home-based educational program; participating in a general equivalency degree program; or have obtained a high school or general equivalency diploma.

(2) (a) Nonlegislative council members shall be appointed as follows:

~~(I) On or before September 1, 2008, each senator elected to represent a senatorial district in the state shall appoint one nonlegislative council member from his or her district.~~

~~(II) On or before September 1, 2008, the speaker of the house of representatives shall appoint the five at-large nonlegislative members. The five at-large members shall be selected to help ensure diversity on the council, with an express concern for adequate rural representation.~~

(III) (A) On or before ~~September 1, 2009~~ MAY 31, 2014, and on or before ~~September 1~~ MAY 31 each year thereafter, the council members shall approve subsequent appointments to the council by a majority vote. A youth who meets the criteria set forth in subsection (1) of this section may apply to the council to be considered for participation in the council.

(B) ~~No later than January 1, 2009,~~ The council shall ~~develop~~ UTILIZE an application process to facilitate council appointments, including the content and availability of the application form, additional selection criteria, and an application review process.

(IV) Every effort shall be made to create a council that represents the ~~racial, ethnic, geographic, socioeconomic, cultural, religious, physical,~~ and educational diversity of the YOUTH OF THE state.

(b) Legislative members of the council shall be appointed as follows:

(I) On or before ~~September 1, 2008~~ DECEMBER 15, 2014, and on or before ~~September 1~~ DECEMBER 15 every two years thereafter, the speaker and minority leader of the house of representatives shall each appoint one

member from the house of representatives; and

(II) On or before ~~September 1, 2008~~ DECEMBER 15, 2014, and on or before ~~September 1~~ DECEMBER 15 every two years thereafter, the president and minority leader of the senate shall each appoint one member from the senate.

(3) ~~Except for the members initially appointed,~~ Council members shall serve two-year terms and, if eligible, may be ~~reappointed~~ SELECTED for a subsequent two-year term. ~~One-half of the initial members shall be appointed to one-year terms, and the other half of the initial members shall be appointed to two-year terms.~~ In all cases, every effort shall be made to maintain or expand the diversity of the council.

(4) The council shall elect two co-chairs and two vice-chairs at its first meeting and annually thereafter. One of the co-chairs and one of the vice-chairs shall be legislative members, TO BE ELECTED AT THE FIRST COUNCIL MEETING AFTER DECEMBER 15. The other co-chair and the other vice-chair shall be nonlegislative members, TO BE ELECTED AT THE FIRST MEETING FOLLOWING THE ANNUAL MAY 31 APPOINTMENT OF NEW NONLEGISLATIVE MEMBERS. The co-chairs and vice-chairs shall serve for terms of one year. A vacancy on the council shall be filled through a vote of the members for the remainder of the unexpired term. Vacancies of nonlegislative members on the council shall be filled pursuant to the application process described in subparagraph (III) of paragraph (a) of subsection (2) of this section for biennial appointments. Vacancies of legislative members shall be filled by the appointing authority. Vacancies of nonlegislative members on the council who are not designated as at-large members shall be filled by a youth coming from the same senate district as the departing nonlegislative member.

(5) Subject to available appropriations, LEGISLATIVE members of the council shall be compensated for attendance at meetings of the council in the same manner as is provided in section 2-2-307 for legislative members attending meetings during the legislative interim. All expenditures incurred by the council shall be approved by the chair of the legislative council and paid for by vouchers and warrants drawn as provided by law from moneys allocated to the legislative council for legislative committees from appropriations made by the general assembly or from the youth advisory council cash fund created in section 2-2-1306.

**SECTION 3.** In Colorado Revised Statutes, 2-2-1304, **repeal** (2) (a) as follows:

**2-2-1304. Duties - meetings - community outreach - designation of organization to accept donations - authority to contract.** (2) (a) ~~The four legislative members shall convene the first meeting of the council on or before October 30, 2008. At the first meeting, the council shall determine the location and time of future meetings, as well as any other procedural issues it deems necessary.~~

**SECTION 4.** In Colorado Revised Statutes, 2-2-1304, **repeal and reenact, with amendments,** (4) (a) as follows:

**2-2-1304. Duties - meetings - community outreach - designation of organization to accept donations - authority to contract.** (4) (a) ON OR BEFORE SEPTEMBER 1, 2013, AND EVERY THIRD SEPTEMBER 1 THEREAFTER, THE COUNCIL SHALL, IN CONJUNCTION WITH THE DIRECTOR OF THE LEGISLATIVE COUNCIL, USE A REQUEST FOR PROPOSAL PROCESS TO CONTRACT WITH AND DESIGNATE ONE OR MORE NONPROFIT ORGANIZATIONS TO PROVIDE STAFFING AND OPERATIONAL ASSISTANCE AND TO SERVE AS THE CUSTODIAN OF MONEYS DONATED TO THE COUNCIL THROUGH THE DESIGNATED ORGANIZATION. THE DESIGNATED ORGANIZATION SHALL NOT BE THE CUSTODIAN OF ANY MONEYS APPROPRIATED BY THE STATE AND CREDITED TO THE FUND CREATED IN SECTION 2-2-1306. THE DESIGNATED ORGANIZATION IS AUTHORIZED TO EXPEND ANY MONEYS IT RECEIVES AS IS NECESSARY FOR THE OPERATION OF THE COUNCIL AND MAY SOLICIT AND ACCEPT MONETARY AND IN-KIND GIFTS, GRANTS, AND DONATIONS USED TO FURTHER THE COUNCIL'S DUTIES AND RESPONSIBILITIES. ANY SUCH MONEYS DONATED OR AWARDED TO THE DESIGNATED ORGANIZATION FOR THE BENEFIT OF THE COUNCIL ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY. ANY SUCH MONEYS OBTAINED BY THE COUNCIL OR THE DESIGNATED ORGANIZATION AND NOT IN THE FUND THAT ARE UNEXPENDED AND UNENCUMBERED AT THE TIME THE COUNCIL IS DISSOLVED SHALL BE DISTRIBUTED ACCORDING TO APPROPRIATE FEDERAL AND STATE LAWS GOVERNING NONPROFIT ORGANIZATIONS. IF A DIFFERENT NONPROFIT OR PRIVATE ORGANIZATION IS SUBSEQUENTLY DESIGNATED AS THE CUSTODIAN OF DONATED MONEYS IN ACCORDANCE WITH THIS PARAGRAPH (a), ANY MONEYS THAT ARE UNEXPENDED AND UNENCUMBERED AT THE TIME OF THE CHANGE IN DESIGNATION SHALL BE PROMPTLY TRANSFERRED BY THE PREVIOUSLY DESIGNATED ORGANIZATION TO THE NEWLY DESIGNATED

ORGANIZATION.

**SECTION 5.** In Colorado Revised Statutes, **amend** 2-2-1305 as follows:

**2-2-1305. Reporting requirements.** On or before ~~January 30, 2009~~ APRIL 30, 2014, and on or before ~~January 30~~ APRIL 30 each year thereafter, the council shall make joint reports to legislative committees of the senate and the house of representatives as appropriate. The reports shall include, at a minimum, a summary of the council's recommendations concerning key issues for youth for the current legislative session and ~~beginning January 30, 2010~~, a summary of the council's work during the previous legislative session and interim.

**SECTION 6.** In Colorado Revised Statutes, 2-3-1203, **repeal** (3) (z) (V); and **add** (3) (ee) (VI) as follows:

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

(z) July 1, 2013:

(V) ~~The Colorado youth advisory council created in section 2-2-1302;~~

(ee) July 1, 2018:

(VI) THE COLORADO YOUTH ADVISORY COUNCIL CREATED IN SECTION 2-2-1302.

**SECTION 7.** In Colorado Revised Statutes, **amend** 2-2-1307 as follows:

**2-2-1307. Repeal of part.** This part 13 is repealed, effective July 1, ~~2013~~ 2018. Prior to the repeal of this part 13, the council shall be reviewed as provided for in section 2-3-1203.

**SECTION 8. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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John P. Morse  
PRESIDENT OF  
THE SENATE

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO