

## CHAPTER 356

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**EDUCATION - PUBLIC SCHOOLS**


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**HOUSE BILL 08-1157**

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also SENATOR(S) Windels, Penry, Bacon, Boyd, Gibbs, Groff, Isgar, Johnson, Keller, Morse, Schwartz, Shaffer, Spence, Tochtrop, Tupa, and Williams.

**AN ACT**

**CONCERNING THE CREATION OF A YOUTH ADVISORY COUNCIL, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** Article 2 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 13  
YOUTH ADVISORY COUNCIL**

**2-2-1301. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "YOUTH ADVISORY COUNCIL ACT".

**2-2-1302. Colorado youth advisory council - creation - purpose.** THERE IS HEREBY CREATED THE COLORADO YOUTH ADVISORY COUNCIL, REFERRED TO IN THIS PART 13 AS THE "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, EDUCATION, EMPLOYMENT AND ECONOMIC OPPORTUNITY, ACCESS TO STATE AND LOCAL GOVERNMENT SERVICES, THE ENVIRONMENT, BEHAVIORAL AND PHYSICAL HEALTH, SAFE ENVIRONMENTS FOR YOUTH, SUBSTANCE ABUSE, DRIVER'S LICENSE REQUIREMENTS, POVERTY, AND INCREASED YOUTH PARTICIPATION IN STATE AND LOCAL GOVERNMENT.

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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.*

**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. 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 SCHOOL; 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, AND ON OR BEFORE SEPTEMBER 1 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 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 STATE.

(b) LEGISLATIVE MEMBERS OF THE COUNCIL SHALL BE APPOINTED AS FOLLOWS:

(I) ON OR BEFORE SEPTEMBER 1, 2008, AND ON OR BEFORE SEPTEMBER 1 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, AND ON OR BEFORE SEPTEMBER 1 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 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. THE OTHER CO-CHAIR AND THE OTHER VICE-CHAIR SHALL BE 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.

(5) SUBJECT TO AVAILABLE APPROPRIATIONS, 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.

**2-2-1304. Duties - meetings - community outreach.** (1) THE COUNCIL SHALL HAVE THE FOLLOWING DUTIES AND RESPONSIBILITIES:

(a) TO WORK WITH ANY EXISTING AND APPROPRIATE LOCAL AND STATE YOUTH GROUPS TO IDENTIFY THE CONCERNS AND NEEDS OF YOUTH IN COLORADO AND TO ADVISE AND MAKE ORAL AND WRITTEN RECOMMENDATIONS TO MEMBERS OF THE GENERAL ASSEMBLY ON PROPOSED OR PENDING LEGISLATION;

(b) TO WORK WITH ANY EXISTING AND APPROPRIATE LOCAL AND STATE YOUTH GROUPS TO COLLECT, ANALYZE, AND PROVIDE INFORMATION ON ISSUES RELATED TO YOUTH TO THE LEGISLATIVE COMMITTEES, COMMISSIONS, TASK FORCES, AND STATE AGENCIES AND DEPARTMENTS AS APPROPRIATE;

(c) TO CONSULT WITH ANY EXISTING LOCAL-LEVEL YOUTH ADVISORY COUNCILS

FOR INPUT AND POTENTIAL SOLUTIONS ON ISSUES RELATED TO YOUTH; AND

(d) TO SET PRIORITIES AND ESTABLISH ANY COMMITTEES THAT MAY BE NECESSARY TO ACHIEVE THE GOALS OF THE COUNCIL.

(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.

(b) THE COUNCIL SHALL MEET AT LEAST FOUR TIMES EACH YEAR, WITH TWO MEETINGS OCCURRING DURING THE REGULAR LEGISLATIVE SESSION AND TWO MEETINGS OCCURRING AFTER THE REGULAR LEGISLATIVE SESSION HAS CONCLUDED. ADDITIONAL MEETINGS MAY BE HELD AT THE DISCRETION OF THE CO-CHAIRS OF THE COUNCIL, SUBJECT TO AVAILABLE MONEYS.

(c) ALL MEETINGS OF THE COUNCIL SHALL BE OPEN TO THE PUBLIC.

(d) THE COUNCIL SHALL HAVE THE AUTHORITY TO DEVELOP RULES, PROCEDURES, AND A LEADERSHIP STRUCTURE FOR THE COUNCIL.

(3) THE COUNCIL SHALL UTILIZE NEWS OUTLETS AND PUBLICATIONS, PUBLIC AWARENESS CAMPAIGNS, AND A WEB SITE TO DEVELOP AND MAINTAIN REGULAR COMMUNICATION CONCERNING ITS ACTIVITIES WITH THE YOUTH OF COLORADO, THE STATE OF COLORADO, AND INTERESTED PARTIES.

**2-2-1305. Reporting requirements.** ON OR BEFORE JANUARY 30, 2009, AND ON OR BEFORE JANUARY 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.

**2-2-1306. Youth advisory council cash fund - created - gifts, grants, and donations.** THERE IS HEREBY CREATED IN THE STATE TREASURY THE YOUTH ADVISORY COUNCIL CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND", TO PROVIDE FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS PART 13. THE COUNCIL IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 13. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS PART 13. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES OF THIS PART 13 MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE LEGISLATIVE COUNCIL MAY EXPEND UP TO ONE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET

THE COSTS INCURRED IN IMPLEMENTING THIS PART 13. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

**2-2-1307. Repeal of part.** THIS PART 13 IS REPEALED, EFFECTIVE JULY 1, 2013. PRIOR TO THE REPEAL OF THIS PART 13, THE COUNCIL SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203.

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

**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.

**SECTION 3. Appropriation - adjustment to the 2008 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for allocation to legislative council, for the fiscal year beginning July 1, 2008, the sum of eight thousand four hundred seventy-two dollars (\$8,472), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, the general fund appropriation to the controlled maintenance trust fund made in section 23 of the annual general appropriation act, for the fiscal year beginning July 1, 2008, shall be decreased by eight thousand four hundred seventy-two dollars (\$8,472).

**SECTION 4. 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.

Approved: May 29, 2008