

CHAPTER 92

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 09-1099

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also SENATOR(S) Penry and Romer, Boyd, Gibbs, Groff, Heath, Hodge, Hudak, Isgar, Kester, Morse, Newell, Sandoval, Shaffer B., Spence, Tapia, Tochtrop, White, Williams.

AN ACT**CONCERNING THE COLORADO YOUTH ADVISORY COUNCIL.**

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

SECTION 1. 2-2-1301, Colorado Revised Statutes, is amended to read:

2-2-1301. Short title. This ~~article~~ PART 13 shall be known and may be cited as the "Youth Advisory Council Act".

SECTION 2. Part 13 of article 2 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

2-2-1301.5. Definitions. AS USED IN THIS PART 13, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COUNCIL" MEANS THE COLORADO YOUTH ADVISORY COUNCIL CREATED IN SECTION 2-2-1302.

(2) "DESIGNATED ORGANIZATION" MEANS THE NONPROFIT OR PRIVATE ORGANIZATION DESIGNATED BY THE LEGISLATIVE MEMBERS OF THE COUNCIL PURSUANT TO SECTION 2-2-1304 AS THE CUSTODIAN OF MONEYS DONATED TO THE COUNCIL THROUGH THE DESIGNATED ORGANIZATION.

(3) "FUND" MEANS THE YOUTH ADVISORY COUNCIL CASH FUND CREATED PURSUANT TO SECTION 2-2-1306.

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

SECTION 3. 2-2-1302, Colorado Revised Statutes, is amended to read:

2-2-1302. Colorado youth advisory council - creation - purpose. There is hereby created IN THE LEGISLATIVE BRANCH 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.

SECTION 4. 2-2-1303 (4), Colorado Revised Statutes, is amended to read:

2-2-1303. Membership - selection - terms. (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. 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.

SECTION 5. 2-2-1304, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

2-2-1304. Duties - meetings - community outreach - designation of organization to accept donations - authority to contract. (4) (a) ON OR BEFORE SEPTEMBER 1, 2009, AND EVERY OTHER SEPTEMBER 1 THEREAFTER, THE FOUR LEGISLATIVE MEMBERS APPOINTED PURSUANT TO SECTION 2-2-1303 SHALL DESIGNATE, BY MAJORITY VOTE, A NONPROFIT OR PRIVATE ORGANIZATION 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 OR THIS PART 13 IS REPEALED PURSUANT TO SECTION 2-2-1307 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.

(b) THE DESIGNATED ORGANIZATION, ON BEHALF OF THE COUNCIL, MAY PROVIDE OR ACCEPT IN-KIND STAFF SUPPORT FROM NONPROFIT AGENCIES OR PRIVATE ORGANIZATIONS, INCLUDING ITSELF, OR MAY CONTRACT WITH OUTSIDE ENTITIES FOR THE PURPOSE OF PROVIDING STAFF SUPPORT TO ASSIST THE COUNCIL IN CONDUCTING ITS DUTIES AND RESPONSIBILITIES. ANY STAFF SUPPORT PERSONNEL PROVIDED BY THE DESIGNATED ORGANIZATION OR A NONPROFIT AGENCY OR PRIVATE ORGANIZATION, EITHER DONATED OR ENGAGED THROUGH A CONTRACT, SHALL NOT BE CONSIDERED EMPLOYEES OF THE COUNCIL OR THE STATE.

(5) THE COUNCIL IS AUTHORIZED TO CONTRACT WITH THE DESIGNATED ORGANIZATION OR OTHER NONPROFIT OR PRIVATE ENTITIES FOR THE IMPLEMENTATION OF THIS PART 13. ANY CONTRACT ENTERED INTO BY THE COUNCIL SHALL BE SIGNED BY THE LEGISLATIVE CO-CHAIR OF THE COUNCIL.

SECTION 6. 2-2-1306, Colorado Revised Statutes, is amended to read:

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, INCLUDING BUT NOT LIMITED TO LODGING, MEETING FEES, MILEAGE AND TRANSPORTATION COSTS, MEALS, MEETING SUPPLIES, COPY COSTS, COMPUTER-RELATED COSTS, AND ANY SERVICES FOR WHICH THE COUNCIL CONTRACTS. THE FUND SHALL CONSIST OF ANY MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY TO THE FUND AND MAY ALSO INCLUDE GIFTS, GRANTS, AND DONATIONS OBTAINED DIRECTLY BY THE COUNCIL PURSUANT TO THIS SECTION. 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~~ MONEYS received BY THE COUNCIL 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~~ CONTINUOUSLY APPROPRIATED 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.

SECTION 7. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009,

if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 3, 2009