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SENATE BILL 47

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY  
Mary Jane Garcia

FOR THE TOBACCO SETTLEMENT COMMITTEE

AN ACT

RELATING TO YOUTH DEVELOPMENT; ENACTING THE NEXT GENERATION  
TRUST FUND ACT; CREATING THE NEXT GENERATION TRUST FUND AND  
THE YOUTH DEVELOPMENT GRANT FUND; ESTABLISHING A YOUTH  
DEVELOPMENT GRANT ASSISTANCE PROGRAM; MAKING AN  
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the  
"Next Generation Trust Fund Act".

Section 2. PURPOSE.--The purpose of the Next Generation  
Trust Fund Act is to establish the next generation council  
composed of both adults and youths and to establish a grant  
assistance program to support community service, citizenship  
and leadership activities designed to support youth  
development for the next generation.

Section 3. DEFINITIONS.--As used in the Next Generation

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1 Trust Fund Act:

2 A. "council" means the next generation council;

3 B. "department" means the department of health;

4 C. "youth" means a person between the ages of five  
5 and twenty; and

6 D. "youth development" means establishing  
7 policies, activities and programs to ensure the healthy  
8 development of children and young people in reaching their  
9 full potential as successful students and community members.

10 Section 4. NEXT GENERATION COUNCIL CREATED--MEMBERSHIP--  
11 -TERMS.--

12 A. The "next generation council" is created as an  
13 oversight entity for developing comprehensive programs and  
14 strategies to support youth development statewide. The  
15 council is administratively attached to the department, and  
16 the department shall provide administrative support for the  
17 council in carrying out its duties as provided in the Next  
18 Generation Trust Fund Act.

19 B. The council shall consist of thirteen members  
20 with experience in youth development who are appointed from  
21 throughout the state so as to provide geographic diversity.  
22 Eight adult members shall be appointed to four-year terms,  
23 and five youth members shall be appointed to two-year terms  
24 by the following appointing authorities:

25 (1) two adults and one youth shall be  
appointed by the governor;

(2) two adults and two youths shall be

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1 appointed by the speaker of the house of representatives and  
2 the president pro tempore of the senate;

3 (3) one adult and one youth enrolled at a  
4 post-secondary educational institution shall be appointed by  
5 the commission on higher education;

6 (4) one adult and one youth shall be  
7 appointed by the secretary of health;

8 (5) one adult shall be appointed by the  
9 state board of education; and

10 (6) one adult shall be appointed by the  
11 secretary of children, youth and families.

12 C. Of the initial council members, the adults  
13 appointed shall serve for two years and the youth members  
14 shall serve initially for one year. Thereafter, adult  
15 members shall be appointed to four-year terms and youth  
16 members to two-year terms. A vacancy on the council shall be  
17 filled by the respective appointing authority for the  
18 remainder of the vacating member's term.

19 D. The council shall elect annually from its  
20 membership a chairman and other officers it deems necessary  
21 to carry out its duties. The council shall meet at the call  
22 of the chairman, but not less than once each quarter. A  
23 majority of the members constitutes a quorum for the conduct  
24 of business.

25 E. Council members shall receive per diem and  
mileage as provided in the Per Diem and Mileage Act and no  
other compensation, perquisite or allowance.

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1           Section 5. NEXT GENERATION TRUST FUND CREATED--TOBACCO  
2 SETTLEMENT REVENUES--DISTRIBUTION.--

3           A. The "next generation trust fund" is created in  
4 the state treasury. The fund shall consist of money  
5 appropriated to the fund by the legislature.

6           B. Money in the next generation trust fund shall  
7 be invested by the state investment officer as land grant  
8 permanent funds are invested pursuant to Chapter 6, Article 8  
9 NMSA 1978 and shall not be expended for any purpose. Income  
10 earned from investment of the next generation trust fund  
11 shall be credited to the fund. Beginning in fiscal year  
12 2002, there shall be an annual distribution from the next  
13 generation trust fund to the youth development grant fund as  
14 provided in Subsection C of this section.

15           C. In fiscal years 2002 and 2003, the annual  
16 distribution to the youth development grant fund shall be  
17 five percent of the amount appropriated to the next  
18 generation trust fund in fiscal year 2001. Thereafter, the  
19 annual distribution shall be four and seven-tenths percent of  
20 the average annual balance in the next generation trust fund  
21 for the preceding two fiscal years.

22           Section 6. YOUTH DEVELOPMENT GRANT FUND CREATED.--The  
23 "youth development grant fund" is created in the state  
24 treasury and shall be administered by the department pursuant  
25 to the direction and policies of the council. The fund shall  
consist of distributions from the next generation trust fund  
and money from any other public or private source

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1 appropriated to or deposited in the fund. Money in the youth  
2 development grant fund is appropriated to the department to  
3 make youth development grants upon council approval and  
4 pursuant to a youth development grant assistance program  
5 developed in accordance with the provisions of the Next  
6 Generation Trust Fund Act. Any income earned on balances in  
7 the fund shall be credited to the fund. Balances in the fund  
8 at the end of any fiscal year shall be retained in the fund  
9 for expenditure as provided in this section and shall not  
10 revert to the general fund or to the next generation trust  
11 fund.

12 Section 7. POWERS AND DUTIES OF NEXT GENERATION  
13 COUNCIL--YOUTH DEVELOPMENT GRANT ASSISTANCE PROGRAM.--

14 A. The council shall design, implement and manage  
15 a youth development grant assistance program to provide  
16 grants and contracts through a competitive proposal process  
17 to local governments, public schools, not-for-profit  
18 organizations, tribal entities and post-secondary educational  
19 institutions for youth development programs and activities  
20 for youths throughout rural and urban New Mexico. Priority  
21 shall be given to proposals that involve youths in such  
22 positive activities as after-school programs, community  
23 service- learning programs, leadership and citizenship  
24 projects, youth entrepreneurship programs or programs that  
25 provide training and assistance to individuals working with  
youth and that promote best practices in youth development.

B. The council shall develop annual goals and

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1 priorities for youth development statewide and determine  
2 policies for overall programmatic direction of the youth  
3 development grant assistance program. The council shall  
4 oversee the implementation of the grant process, including  
5 development of requests for proposals, review and approval of  
6 grant applications and the oversight and management of funded  
7 grants. The council shall set guidelines and directions for  
8 determining the impact and effectiveness of assisted programs  
9 and require that at least five percent of each funded grant  
10 be allocated toward accountability and program evaluation  
11 components. For purposes of this subsection,  
12 "accountability" means measuring base lines, documenting  
13 progress and assuring that all parties who commit themselves  
14 to act on a program or policy agenda related to youth  
15 development actually do so. The council shall also advise  
16 other state departments on the need to integrate and  
17 coordinate youth policy and program development.

18 C. The department shall provide such  
19 administrative assistance to the council as agreed upon by  
20 the department and the council. Not more than ten percent of  
21 the money distributed to the fund in fiscal years 2002  
22 through 2005 shall be used by the council and the department  
23 for administrative purposes. Thereafter, not more than five  
24 percent of the money distributed to the fund in any fiscal  
25 year shall be used by the council and the department for  
administrative purposes.