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HOUSE BILL 362

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Nick L. Salazar

AN ACT

RELATING TO ADULT SERVICES; ENACTING THE SENIOR TRUST ACT;
CREATING THE SENIOR CITIZEN AND DISABLED ADULT TRUST FUND;
MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

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

Section 2. LEGISLATIVE FINDINGS. -- The legislature finds
that:

A. the settlement between the Indian gaming
nations, tribes and pueblos in New Mexico and the state to
resolve the issues in *State of New Mexico v. Jicarilla Apache
Tribe* has provided the state with a nonrecurring distribution
to the general fund of close to ninety million dollars
(\$90,000,000); and

underscored material = new
[bracketed material] = delete

1 B. the population of senior citizens will increase
2 substantially as more of the "baby-boomer" generation enter
3 their fifties and soon enter their sixties, increasing the
4 demand for services and funding and requiring that a plan be
5 established now to ensure that adequate funding is available
6 to serve the needs of this burgeoning population.

7 Section 3. DEFINITIONS.--As used in the Senior Trust
8 Act:

9 A. "corpus" means the part of the fund that is not
10 appropriated to the state agency on aging for distribution or
11 use pursuant to the provisions of the Senior Trust Act
12 comprised of appropriations to the fund from the legislature,
13 donations, grants, bequests, unexpended or unencumbered
14 balances from previous fiscal years or earnings that are not
15 current fiscal year earnings; and

16 B. "fund" means the senior citizen and disabled
17 adult trust fund.

18 Section 4. FUND-- CREATION-- PURPOSE. --

19 A. The "senior citizen and disabled adult trust
20 fund" is created in the state treasury as a permanent trust
21 fund.

22 B. The purpose of the fund is to provide money to
23 the state agency on aging to develop and operate programs and
24 services to benefit senior citizens and disabled adults who
25 are residents of New Mexico by providing grants to area

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underscored material = new
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1 agencies on aging to implement programs, including senior
2 citizen center meal programs, homebound meal programs, senior
3 grandparent programs, senior volunteer programs, retired
4 senior volunteer programs, adult daycare programs, in-home
5 health care programs, respite care and independent living
6 support services, and by providing grants to other programs
7 that provide services to senior citizens or disabled adults.

8 C. The money appropriated and available for use by
9 the state agency on aging from the fund pursuant to the Senior
10 Trust Act shall not supplant annual appropriations from the
11 legislature to fund senior programs, the state agency on aging
12 or programs for disabled adults.

13 D. No money in the fund shall be expended for
14 capital improvements or capital projects.

15 Section 5. FUND--ADMINISTRATION--APPROPRIATIONS.--

16 A. The fund shall be administered by the state
17 agency on aging.

18 B. Donations, grants and bequests from private
19 sources and grants from other government sources for programs
20 and services for senior citizens and disabled adults shall be
21 deposited in the fund.

22 C. Interest and other earnings from investment of
23 the money in the fund shall be credited to the fund.

24 D. Unexpended or unencumbered balances in the fund
25 shall not be transferred to the general fund, but shall be

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[bracketed material] = delete

1 included in the corpus of the fund on June 30 of each fiscal
2 year. Earnings credited to the fund and ten percent of the
3 corpus of the fund on June 30 of any year are appropriated to
4 the state agency on aging to be used in the following fiscal
5 year for purposes set forth in the Senior Trust Act.

6 E. No more than ten percent of the earnings
7 received from investment of the fund in a fiscal year may be
8 used in the following fiscal year by the state agency on aging
9 for administration of the fund and to administer programs and
10 services receiving grants from the fund.

11 F. Disbursements from the fund shall be made only
12 upon warrants drawn by the secretary of finance and
13 administration pursuant to vouchers signed by the director of
14 the state agency on aging.

15 Section 6. APPROPRIATION. --Twenty-five million dollars
16 (\$25,000,000) is appropriated from the general fund to the
17 senior citizen and disabled adult trust fund for expenditure
18 in fiscal year 2002 and subsequent fiscal years for the
19 purpose of establishing the corpus of that fund in the state
20 treasury. Any unexpended or unencumbered balance remaining at
21 the end of a fiscal year shall not revert to the general fund.

22 Section 7. EMERGENCY. --It is necessary for the public
23 peace, health and safety that this act take effect
24 immediately.