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SENATE BILL 9

**44TH LEGISLATURE - STATE OF NEW MEXICO - 2ND SPECIAL SESSION, 2000**

INTRODUCED BY

Mary Jane Garcia

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.

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 Trust Fund Act:

A. "council" means the next generation council;

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

2           C. "youth" means a person between the ages of five  
3 and twenty; and

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

8           Section 4. NEXT GENERATION COUNCIL CREATED--  
9 MEMBERSHIP--TERMS.--

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

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

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

25                   (2) two adults and two youths shall be  
appointed by the speaker of the house of representatives and  
the president pro tempore of the senate;

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

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

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

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

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

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

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

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

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

4           B. Money in the next generation trust fund shall  
5 be invested by the state investment officer as land grant  
6 permanent funds are invested pursuant to Chapter 6, Article 8  
7 NMSA 1978 and shall not be expended for any purpose. Income  
8 earned from investment of the next generation trust fund  
9 shall be credited to the fund. Beginning in fiscal year  
10 2001, there shall be an annual distribution from the next  
11 generation trust fund to the youth development grant fund as  
12 provided in Subsection C of this section.

13           C. In fiscal year 2001 the annual distribution to  
14 the youth development grant fund shall be three-fourths of  
15 one percent of the amount appropriated to the next generation  
16 trust fund in fiscal year 2001, and the distribution is  
17 appropriated to the department for use by the department and  
18 the council for administration of the Next Generation Trust  
19 Fund Act. In fiscal years 2002 and 2003, the annual  
20 distribution to the youth development grant fund shall be  
21 five percent of the amount appropriated to the next  
22 generation trust fund in fiscal year 2001. Thereafter, the  
23 annual distribution shall be four and seven-tenths percent of  
24 the average annual balance in the next generation trust fund  
25 for the preceding two fiscal years.

Section 6. YOUTH DEVELOPMENT GRANT FUND CREATED.--The  
"youth development grant fund" is created in the state

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1 treasury and shall be administered by the department pursuant  
2 to the direction and policies of the council. The fund shall  
3 consist of distributions from the next generation trust fund  
4 and money from any other public or private source  
5 appropriated to or deposited in the fund. Money in the youth  
6 development grant fund in excess of the amount appropriated  
7 for administrative purposes shall be appropriated by the  
8 legislature for youth development grants pursuant to  
9 recommendations by the council pursuant to a youth  
10 development grant assistance program developed in accordance  
11 with the provisions of the Next Generation Trust Fund Act.  
12 Any income earned on balances in the fund shall be credited  
13 to the fund. Balances in the fund at the end of any fiscal  
14 year shall be retained in the fund for expenditure as  
15 provided in this section and shall not revert to the general  
16 fund or to the next generation trust fund.

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

19 A. The council shall design and implement a youth  
20 development grant assistance program that will provide for an  
21 application and recommendation process and funding of grants  
22 by the legislature to local governments, public schools, not-  
23 for-profit organizations, tribal entities and post-secondary  
24 educational institutions for youth development programs and  
25 activities for youths throughout rural and urban New Mexico.  
Priority shall be given to proposals that involve youths in  
such positive activities as after-school programs, community

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1 service-learning programs, leadership and citizenship  
2 projects, youth entrepreneurship programs or programs that  
3 provide training and assistance to individuals working with  
4 youth and that promote best practices in youth development.

5 B. The council shall develop annual goals and  
6 priorities for youth development statewide and determine  
7 policies for overall programmatic direction of the youth  
8 development grant assistance program. The council shall  
9 oversee the implementation of the grant process, including  
10 development of applications for grants, review of  
11 applications, recommendation of grant applicants to the  
12 legislature for funding and the oversight and management of  
13 funded grants. The council shall set guidelines and  
14 directions for determining the impact and effectiveness of  
15 assisted programs and require that at least five percent of  
16 each funded grant be allocated toward accountability and  
17 program evaluation components. For purposes of this  
18 subsection, "accountability" means measuring base lines,  
19 documenting progress and assuring that all parties who commit  
20 themselves to act on a program or policy agenda related to  
21 youth development actually do so.

22 C. The department shall provide such  
23 administrative assistance to the council as agreed upon by  
24 the department and the council. Not more than ten percent of  
25 the money distributed to the fund in fiscal years 2002  
through 2005 shall be appropriated by the legislature for use  
by the council and the department for administrative

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purposes. Thereafter, not more than five percent of the money distributed to the fund in any fiscal year shall be used by the council and the department for administrative purposes.

D. The council and the department shall report annually to the tobacco settlement revenue oversight committee or other appropriate interim committee on the youth development grant assistance program and make recommendations for grant awards. The interim committee shall propose legislation annually to fund grant programs and entities and shall monitor and oversee the youth development grant assistance programs and any other youth development activities of the council pursuant to the Next Generation Trust Fund Act.