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AN ACT

RELATING TO CHILDREN; CREATING THE NEXT GENERATION FUND;
CREATING A NEXT GENERATION COUNCIL; PROVIDING POWERS AND
DUTIES.

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

Section 1. Section 24-19-1 NMSA 1978 (being Laws 1986,
Chapter 15, Section 1) is amended to read:

"24-19-1. SHORT TITLE.--Chapter 24, Article 19 NMSA
1978 may be cited as the "Children's Trust Fund Act"."

Section 2. Section 24-19-2 NMSA 1978 (being Laws 1986,
Chapter 15, Section 2) is amended to read:

"24-19-2. PURPOSE.--It is the purpose of the Children's
Trust Fund Act to:

A. provide the means to develop innovative
children's projects that address one or more of the
following:

(1) preventing abuse and neglect of
children;

(2) providing medical, psychological and
other appropriate treatment for children who are victims of
abuse or neglect; and

(3) developing community-based services
aimed at the prevention and treatment of child abuse and
neglect; and

1 B. manage next generation fund projects."

2 Section 3. Section 24-19-3 NMSA 1978 (being Laws 1986,
3 Chapter 15, Section 3, as amended) is amended to read:

4 "24-19-3. DEFINITIONS.--As used in the Children's Trust
5 Fund Act:

6 A. "board" means the children's trust fund board
7 of trustees;

8 B. "children's projects" means projects that
9 provide services to children on a one-time, short-term
10 demonstration basis, including services to their families,
11 consistent with the purposes of the Children's Trust Fund
12 Act;

13 C. "council" means the next generation council;

14 D. "department" means the children, youth and
15 families department;

16 E. "next generation fund projects" means projects
17 funded from the next generation fund that meet the
18 requirements for funding provided in Section 5 of this 2005
19 act; and

20 F. "secretary" means the secretary of children,
21 youth and families."

22 Section 4. Section 24-19-4 NMSA 1978 (being Laws 1986,
23 Chapter 15, Section 4, as amended) is amended to read:

24 "24-19-4. CHILDREN'S TRUST FUND CREATED--EXPENDITURE
25 LIMITATIONS.--

1 A. The "children's trust fund" is created in the
2 state treasury. The children's trust fund may be used for
3 any purpose enumerated in Section 24-19-2 NMSA 1978. All
4 income received from investment of the fund shall be credited
5 to the fund. No money appropriated to the fund or otherwise
6 accruing to it shall be disbursed in any manner except as
7 provided in the Children's Trust Fund Act.

8 B. The children's trust fund shall be administered
9 by the department for the purpose of funding children's
10 projects from the income received from investment of the
11 fund; provided that none of the income shall be used for
12 capital expenditures. All income from investment of the fund
13 is appropriated to the department for that purpose or for
14 administrative costs as provided in Subsection C of this
15 section. Grants, distributions and transfers of money from
16 the fund shall be made only from the income received from
17 investment of the fund.

18 C. Up to ten percent of the income received from
19 investment of the children's trust fund may be expended for
20 costs of administration of the fund and administration of the
21 children's projects undertaken with fund money.

22 Administrative costs include per diem and mileage, staff
23 salaries and expenses related to administration of the fund.

24 D. Disbursements from income credited to the
25 children's trust fund and appropriated to the department

1 shall be made only upon warrants drawn by the secretary of
2 finance and administration pursuant to vouchers signed by the
3 secretary of children, youth and families or the secretary's
4 designated representative to fund children's projects
5 approved by the board.

6 E. One-half of the money transferred to the
7 children's trust fund pursuant to Section 40-1-11 NMSA 1978
8 and all of the money transferred to the children's trust fund
9 pursuant to Section 66-3-420 NMSA 1978 shall be deemed income
10 received from investment of the fund."

11 Section 5. A new section of the Children's Trust Fund
12 Act is enacted to read:

13 "NEXT GENERATION FUND--CREATED--EXPENDITURE
14 LIMITATIONS.--

15 A. The "next generation fund" is created in the
16 state treasury. The next generation fund may be used for any
17 purpose enumerated in Section 24-19-2 NMSA 1978. All income
18 received from investment of the fund shall be credited to the
19 fund. No money appropriated to the fund or otherwise
20 accruing to it shall be disbursed in any manner except as
21 provided in the Children's Trust Fund Act.

22 B. The fund shall be used to fund next generation
23 fund projects that are approved by the board. Next
24 generation fund projects shall:

25 (1) provide positive child and youth

1 development activities that support physical, mental and
2 social well-being;

3 (2) promote strong, healthy families and
4 help to prevent child abuse and neglect;

5 (3) promote community service, leadership
6 and citizenship; and

7 (4) provide community coordination of child
8 and youth development programming across the age zero to
9 twenty-four developmental continuum.

10 C. The next generation fund shall be administered
11 by the department, and the income from investment of the fund
12 is appropriated to the department to carry out the purposes
13 of the fund. None of the income shall be used for capital
14 expenditures. Grants, distributions and transfers of money
15 from the fund shall be made only from the income received
16 from investment of the fund.

17 D. Up to ten percent of the income received from
18 investment of the fund may be expended for costs of
19 administering the fund and next generation projects.
20 Administrative costs include per diem and mileage, staff
21 salaries and expenses related to administration of the fund.

22 E. Disbursements from the fund shall be made by
23 warrants drawn by the secretary of finance and administration
24 pursuant to vouchers signed by the secretary of children,
25 youth and families or the secretary's designated

1 representative."

2 Section 6. Section 24-19-7 NMSA 1978 (being Laws 1986,
3 Chapter 15, Section 7) is amended to read:

4 "24-19-7. DUTIES OF THE BOARD.--At least four times a
5 year, the board shall meet upon the call of its chairman to
6 review proposals submitted to the department by public or
7 private entities and take all action necessary or proper for
8 the administration of the Children's Trust Fund Act. The
9 board shall approve or disapprove each proposal submitted and
10 shall base its decision on the proposal's merit and
11 feasibility, the best interest of the beneficiaries of the
12 children's project proposal and the capacity of the
13 children's project's success or failure for evaluation."

14 Section 7. A new section of the Children's Trust Fund
15 Act is enacted to read:

16 "NEXT GENERATION COUNCIL--CREATED--MEMBERSHIP--
17 PURPOSE.--

18 A. The "next generation council" is created. The
19 board shall appoint ten members, at least two from each
20 congressional district, who are not employees of the state
21 who are knowledgeable in the area of positive child and youth
22 development programs. Members serve at the pleasure of the
23 board. Members shall select a member to serve as chairperson
24 of the council. Members are entitled to per diem and mileage
25 as provided in the Per Diem and Mileage Act and shall receive

1 no other compensation, perquisite or allowance.

2 B. The council shall evaluate proposed next
3 generation fund projects and make funding recommendations to
4 the board. The board shall approve or disapprove next
5 generation fund projects for funding and transmit those
6 proposals to the department."

7 Section 8. Section 24-19-8 NMSA 1978 (being Laws 1986,
8 Chapter 15, Section 8) is amended to read:

9 "24-19-8. CHILDREN, YOUTH AND FAMILIES DEPARTMENT--
10 ADDITIONAL POWERS AND DUTIES.--The department shall:

11 A. promulgate rules approved by the board;

12 B. transmit proposals for children's projects to
13 the board and next generation fund projects to the council
14 for evaluation and report on the proposals;

15 C. enter into contracts approved by the board to
16 carry out the proposed children's project or next generation
17 fund project, provided that:

18 (1) not more than fifty percent of the total
19 funds distributed for any one fiscal year from the children's
20 trust fund shall be allocated for any single children's
21 project;

22 (2) not more than fifty percent of the total
23 funds distributed for any one fiscal year from the next
24 generation fund shall be allocated for any single next
25 generation fund project;

1 (3) each children's project shall be funded
2 for a specified period, not to exceed four years, and funds
3 shall not be used for maintenance of ongoing or permanent
4 efforts extending beyond the period specified, except that a
5 children's project may be extended once for a period not to
6 exceed the original, and the board shall approve rules
7 providing procedures and guidelines for the preparation and
8 approval of proposals for children's projects and providing
9 for any other matter the board deems necessary for the
10 administration of the Children's Trust Fund Act; and

11 (4) no contract shall be entered into if the
12 department finds it contrary to law;

13 D. furnish the board and the council with the
14 necessary technical and clerical assistance;

15 E. adopt standard contract provisions; and

16 F. report at least annually to the governor and
17 the legislature on the progress of its work and the results
18 of children's projects and next generation fund projects."

19 Section 9. Section 24-19-9 NMSA 1978 (being Laws 1986,
20 Chapter 15, Section 9) is amended to read:

21 "24-19-9. ACCEPTANCE OF FEDERAL FUNDS AND PRIVATE
22 DONATIONS.--To carry out the provisions of the Children's
23 Trust Fund Act, the department may accept any federal matching
24 funds or grants for children's projects or next generation
25 fund projects. The department may accept donations and

1 bequests from private sources for deposit in the children's
2 trust fund or the next generation fund, as applicable."

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