

1 SENATE BILL 297

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Gerald Ortiz y Pino

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10 AN ACT

11 RELATING TO CHILDREN; AMENDING SECTIONS OF THE CHILDREN'S TRUST
12 FUND ACT TO EXPAND THE FUND'S FUNCTIONS.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 24-19-2 NMSA 1978 (being Laws 1986,
16 Chapter 15, Section 2, as amended) is amended to read:

17 "24-19-2. PURPOSE.--It is the purpose of the Children's
18 Trust Fund Act to:

19 A. be a statewide resource that advocates for and
20 educates about the prevention of child abuse and neglect;

21 [~~A.~~] B. provide the means to develop innovative
22 children's projects and programs that address one or more of
23 the following:

- 24 (1) preventing abuse and neglect of children;
25 (2) providing medical, psychological and other

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1 appropriate treatment for children who are victims of abuse or
2 neglect; and

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

5 ~~[B-]~~ C. manage the next generation fund projects
6 and programs."

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

9 "24-19-3. DEFINITIONS.--As used in the Children's Trust
10 Fund Act:

11 A. "board" means the children's trust fund board of
12 trustees;

13 B. "children's projects and programs" means
14 projects and programs that provide services to children, ~~[on a~~
15 ~~one-time, short-term demonstration basis]~~ including services to
16 their families, consistent with the purposes of the Children's
17 Trust Fund Act;

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

19 D. "department" means the children, youth and
20 families department;

21 E. "next generation fund projects and programs"
22 means projects and programs funded from the next generation
23 fund that meet the requirements for funding provided in Section
24 ~~[5 of this 2005 act]~~ 24-19-10 NMSA 1978; and

25 F. "secretary" means the secretary of children,

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1 youth and families."

2 SECTION 3. Section 24-19-4 NMSA 1978 (being Laws 1986,
3 Chapter 15, Section 4, as amended) is amended to read:

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

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

13 B. The children's trust fund shall be administered
14 by the department for the purpose of funding children's
15 projects and programs from the income received from investment
16 of the fund; provided that none of the income shall be used for
17 capital expenditures. All income from investment of the fund
18 is appropriated to the department for that purpose or for
19 administrative costs as provided in Subsection C of this
20 section. Grants, distributions and transfers of money from the
21 fund shall be made only from the income received from
22 investment of the fund and from other sources pursuant to
23 Section 24-19-9 NMSA 1978, including federal funds, private
24 donations, bequests and other public and private grants.

25 C. Up to ten percent of the income received from

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1 investment of the children's trust fund may be expended for
2 costs of administration of the fund and administration of the
3 children's projects and programs undertaken with fund money.
4 Administrative costs include per diem and mileage, staff
5 salaries and expenses related to administration of the fund.

6 D. Disbursements from income credited to the
7 children's trust fund and appropriated to the department shall
8 be made only upon warrants drawn by the secretary of finance
9 and administration pursuant to vouchers signed by the secretary
10 of children, youth and families or the secretary's designated
11 representative to fund children's projects and programs
12 approved by the board.

13 E. One-half of the money transferred to the
14 children's trust fund pursuant to Section 40-1-11 NMSA 1978 and
15 all of the money transferred to the children's trust fund
16 pursuant to Section 66-3-420 NMSA 1978 shall be deemed income
17 received from investment of the fund."

18 SECTION 4. Section 24-19-5 NMSA 1978 (being Laws 1986,
19 Chapter 15, Section 5, as amended) is amended to read:

20 "24-19-5. CHILDREN'S TRUST FUND BOARD OF TRUSTEES
21 CREATED--MEMBERS.--

22 A. There is created the "children's trust fund
23 board of trustees" consisting of [~~nine~~] thirteen nonpartisan
24 members, not employees of the state, knowledgeable in the area
25 of children's programs and representative of multiple, diverse

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1 perspectives within the state, who shall be appointed by the
2 governor with the advice and consent of the senate. Of these
3 members, at least two shall be individuals of recognized
4 standing in the field of children's services. On the initial
5 board, two members shall be appointed for terms ending on July
6 1, 1988; two members shall be appointed for terms ending on
7 July 1, 1989; and three members shall be appointed for terms
8 ending on July 1, 1990. Thereafter, appointments shall be made
9 for terms of four years. Vacancies of appointed members shall
10 be filled by appointment by the governor for the unexpired
11 term.

12 B. The board shall select a person from its
13 membership to serve as [~~chairman~~] chair."

14 SECTION 5. Section 24-19-7 NMSA 1978 (being Laws 1986,
15 Chapter 15, Section 7, as amended) is amended to read:

16 "24-19-7. DUTIES OF THE BOARD.--At least four times a
17 year, the board shall meet upon the call of its [~~chairman~~]
18 chair to [~~review proposals submitted to the department by~~
19 ~~public or private entities and~~] take all action necessary or
20 proper for the administration of the Children's Trust Fund Act.
21 The board shall also approve or disapprove [~~each proposal~~]
22 proposals submitted and shall base its decision on the
23 [~~proposal's~~] proposals' merit and feasibility, the best
24 interest of the beneficiaries of the children's project
25 [~~proposal~~] or program proposals and the capacity of the

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1 children's [~~project's~~] projects' or programs' success or
2 failure for evaluation."

3 SECTION 6. Section 24-19-8 NMSA 1978 (being Laws 1986,
4 Chapter 15, Section 8, as amended) is amended to read:

5 "24-19-8. CHILDREN, YOUTH AND FAMILIES DEPARTMENT--
6 ADDITIONAL POWERS AND DUTIES.--The department shall:

7 A. promulgate rules approved by the board;

8 B. transmit proposals for children's projects and
9 programs to the board and next generation fund projects and
10 programs to the council for evaluation and report on the
11 proposals;

12 C. enter into contracts approved by the board to
13 carry out the proposed children's project or program or next
14 generation fund project or program, provided that:

15 (1) not more than fifty percent of the total
16 funds distributed for any one fiscal year from the children's
17 trust fund shall be allocated for any single children's project
18 or program;

19 (2) not more than fifty percent of the total
20 funds distributed for any one fiscal year from the next
21 generation fund shall be allocated for any single next
22 generation fund project or program;

23 (3) each children's project or program shall
24 be funded for a specified period, not to exceed four years, and
25 funds shall not be used for maintenance of ongoing or permanent

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1 efforts extending beyond the period specified, except that a
2 children's project or program may be extended once for a period
3 not to exceed the original, and the board shall approve rules
4 providing procedures and guidelines for the preparation and
5 approval of proposals for children's projects and programs and
6 providing for any other matter the board deems necessary for
7 the administration of the Children's Trust Fund Act; and

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

10 D. furnish the board and the council with the
11 necessary technical and clerical assistance;

12 E. adopt standard contract provisions; and

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

17 SECTION 7. Section 24-19-9 NMSA 1978 (being Laws 1986,
18 Chapter 15, Section 9, as amended) is amended to read:

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

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1 or the next generation fund, as applicable. The board shall
2 distribute these funds as specified by the granting entity or
3 donor."

4 SECTION 8. Section 24-19-10 NMSA 1978 (being Laws 2005,
5 Chapter 65, Section 5) is amended to read:

6 "24-19-10. NEXT GENERATION FUND--CREATED--EXPENDITURE
7 LIMITATIONS.--

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

15 B. The fund shall be used to fund next generation
16 fund projects and programs that are approved by the board.

17 Next generation fund projects and programs shall:

18 (1) provide positive child and youth
19 development activities that support physical, mental and social
20 well-being;

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

23 (3) promote community service, leadership and
24 citizenship; and

25 (4) provide community coordination of child

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1 and youth development programming across the age zero to
2 twenty-four developmental continuum.

3 C. The next generation fund shall be administered
4 by the department, and the income from investment of the fund
5 is appropriated to the department to carry out the purposes of
6 the fund. None of the income shall be used for capital
7 expenditures. Grants, distributions and transfers of money
8 from the fund shall be made only from the income received from
9 investment of the fund.

10 D. Up to ten percent of the income received from
11 investment of the fund may be expended for costs of
12 administering the fund and next generation projects and
13 programs. Administrative costs include per diem and mileage,
14 staff salaries and expenses related to administration of the
15 fund.

16 E. Disbursements from the fund shall be made by
17 warrants drawn by the secretary of finance and administration
18 pursuant to vouchers signed by the secretary of children, youth
19 and families or the secretary's designated representative."

20 SECTION 9. Section 24-19-11 NMSA 1978 (being Laws 2005,
21 Chapter 65, Section 7) is amended to read:

22 "24-19-11. NEXT GENERATION COUNCIL--CREATED--MEMBERSHIP--
23 PURPOSE.--

24 A. The "next generation council" is created. The
25 board shall appoint ten members, at least two from each federal

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1 congressional district, who are not employees of the state and
2 who are knowledgeable in the area of positive child and youth
3 development programs. Members serve at the pleasure of the
4 board. Members shall select a member to serve as [~~chairperson~~]
5 chair of the council. Members are entitled to per diem and
6 mileage as provided in the Per Diem and Mileage Act and shall
7 receive no other compensation, perquisite or allowance.

8 B. The council shall evaluate proposed next
9 generation fund projects and programs and make funding
10 recommendations to the board. The board shall approve or
11 disapprove next generation fund projects and programs for
12 funding and transmit those proposals to the department."