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

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

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

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

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

B. provide the means to develop innovative
children's projects and programs 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

C. manage the next generation fund projects and
programs."

SECTION 2. Section 24-19-3 NMSA 1978 (being Laws 1986,

1 Chapter 15, Section 3, as amended) is amended to read:

2 "24-19-3. DEFINITIONS.--As used in the Children's Trust
3 Fund Act:

4 A. "board" means the children's trust fund board
5 of trustees;

6 B. "children's projects and programs" means
7 projects and programs that provide services to children,
8 including services to their families, consistent with the
9 purposes of the Children's Trust Fund Act;

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

11 D. "department" means the children, youth and
12 families department;

13 E. "next generation fund projects and programs"
14 means projects and programs funded from the next generation
15 fund that meet the requirements for funding provided in
16 Section 24-19-10 NMSA 1978; and

17 F. "secretary" means the secretary of children,
18 youth and families."

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

21 "24-19-4. CHILDREN'S TRUST FUND CREATED--EXPENDITURE
22 LIMITATIONS.--

23 A. The "children's trust fund" is created in the
24 state treasury. The children's trust fund may be used for
25 any purpose enumerated in Section 24-19-2 NMSA 1978. All

1 income received from investment of the fund shall be credited
2 to the fund. No money appropriated to the fund or otherwise
3 accruing to it shall be disbursed in any manner except as
4 provided in the Children's Trust Fund Act.

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

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

13 "24-19-5. CHILDREN'S TRUST FUND BOARD OF TRUSTEES
14 CREATED--MEMBERS.--

15 A. There is created the "children's trust fund
16 board of trustees" consisting of thirteen nonpartisan
17 members, not employees of the state, knowledgeable in the
18 area of children's programs and representative of multiple,
19 diverse perspectives within the state, who shall be appointed
20 by the governor with the advice and consent of the senate.
21 Of these members, at least two shall be individuals of
22 recognized standing in the field of children's services. On
23 the initial board, two members shall be appointed for terms
24 ending on July 1, 1988; two members shall be appointed for
25 terms ending on July 1, 1989; and three members shall be

1 appointed for terms ending on July 1, 1990. Thereafter,
2 appointments shall be made for terms of four years.
3 Vacancies of appointed members shall be filled by appointment
4 by the governor for the unexpired term.

5 B. The board shall select a person from its
6 membership to serve as chair."

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

9 "24-19-7. DUTIES OF THE BOARD.--At least four times a
10 year, the board shall meet upon the call of its chair to take
11 all action necessary or proper for the administration of the
12 Children's Trust Fund Act. The board shall also approve or
13 disapprove proposals submitted and shall base its decision on
14 the proposals' merit and feasibility, the best interest of
15 the beneficiaries of the children's project or program
16 proposals and the capacity of the children's projects' or
17 programs' success or failure for evaluation."

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

20 "24-19-8. CHILDREN, YOUTH AND FAMILIES DEPARTMENT--
21 ADDITIONAL POWERS AND DUTIES.--The department shall:

22 A. promulgate rules approved by the board;

23 B. transmit proposals for children's projects and
24 programs to the board and next generation fund projects and
25 programs to the council for evaluation and report on the

1 proposals;

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

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

9 (2) not more than fifty percent of the total
10 funds distributed for any one fiscal year from the next
11 generation fund shall be allocated for any single next
12 generation fund project or program;

13 (3) each children's project or program shall
14 be funded for a specified period, not to exceed four years,
15 and funds shall not be used for maintenance of ongoing or
16 permanent efforts extending beyond the period specified,
17 except that a children's project or program may be extended
18 once for a period not to exceed the original, and the board
19 shall approve rules providing procedures and guidelines for
20 the preparation and approval of proposals for children's
21 projects and programs and providing for any other matter the
22 board deems necessary for the administration of the
23 Children's Trust Fund Act; and

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

1 D. furnish the board and the council with the
2 necessary technical and clerical assistance;

3 E. adopt standard contract provisions; and

4 F. report at least annually to the governor and
5 the legislature on the progress of its work and the results
6 of children's projects and programs and next generation fund
7 projects and programs."

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

10 "24-19-9. ACCEPTANCE OF FEDERAL FUNDS AND PRIVATE
11 DONATIONS.--To carry out the provisions of the Children's
12 Trust Fund Act, the department and the children's trust fund
13 may accept any federal matching funds or grants for
14 children's projects and programs or next generation fund
15 projects and programs. The department may accept donations
16 and bequests from private sources for deposit in the
17 children's trust fund or the next generation fund, as
18 applicable. The board shall distribute these funds as
19 specified by the granting entity or donor."

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

22 "24-19-10. NEXT GENERATION FUND--CREATED--EXPENDITURE
23 LIMITATIONS.--

24 A. The "next generation fund" is created in the
25 state treasury. The next generation fund may be used for any

1 purpose enumerated in Section 24-19-2 NMSA 1978. All income
2 received from investment of the fund shall be credited to the
3 fund. No money appropriated to the fund or otherwise
4 accruing to it shall be disbursed in any manner except as
5 provided in the Children's Trust Fund Act.

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

8 Next generation fund projects and programs shall:

9 (1) provide positive child and youth
10 development activities that support physical, mental and
11 social well-being;

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

14 (3) promote community service, leadership
15 and citizenship; and

16 (4) provide community coordination of child
17 and youth development programming across the age zero to
18 twenty-four developmental continuum.

19 C. The next generation fund shall be administered
20 by the department, and the income from investment of the fund
21 is appropriated to the department to carry out the purposes
22 of the fund. None of the income shall be used for capital
23 expenditures. Grants, distributions and transfers of money
24 from the fund shall be made only from the income received
25 from investment of the fund.

1 D. Up to ten percent of the income received from
2 investment of the fund may be expended for costs of
3 administering the fund and next generation projects and
4 programs. Administrative costs include per diem and mileage,
5 staff salaries and expenses related to administration of the
6 fund.

7 E. Disbursements from the fund shall be made by
8 warrants drawn by the secretary of finance and administration
9 pursuant to vouchers signed by the secretary of children,
10 youth and families or the secretary's designated
11 representative."

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

14 "24-19-11. NEXT GENERATION COUNCIL--CREATED--
15 MEMBERSHIP--PURPOSE.--

16 A. The "next generation council" is created. The
17 board shall appoint ten members, at least two from each
18 federal congressional district, who are not employees of the
19 state and who are knowledgeable in the area of positive child
20 and youth development programs. Members serve at the
21 pleasure of the board. Members shall select a member to
22 serve as chair of the council. Members are entitled to per
23 diem and mileage as provided in the Per Diem and Mileage Act
24 and shall receive no other compensation, perquisite or
25 allowance.

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