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SENATE BILL 714

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Cynthia Nava

AN ACT

RELATING TO YOUTH DEVELOPMENT; CREATING THE NEXT GENERATION TRUST FUND AND DEPOSITING A PORTION OF TOBACCO SETTLEMENT REVENUES INTO THE FUND; ESTABLISHING THE NEXT GENERATION COUNCIL; ESTABLISHING A YOUTH DEVELOPMENT GRANT ASSISTANCE PROGRAM; MAKING AN APPROPRIATION.

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

Section 1. TOBACCO SETTLEMENT REVENUES--DISTRIBUTION. --

The state treasurer shall distribute to the next generation trust fund ten percent of every amount distributed to the state pursuant to the master settlement agreement entered into between tobacco product manufacturers and the various states, including New Mexico, and executed November 23, 1998 or transferred to the state from a qualified escrow fund authorized by a qualifying state statute enacted pursuant to

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1 the master settlement agreement.

2 Section 2. NEXT GENERATION TRUST FUND CREATED--
3 REVENUES--INCOME DISTRIBUTION.--The "next generation trust
4 fund" is created in the state treasury. The fund shall
5 consist of money transferred to the fund from distributions to
6 the state pursuant to the master settlement agreement entered
7 into between tobacco product manufacturers and the various
8 states, including New Mexico, and executed November 23, 1998
9 or transferred to the state from a qualified escrow fund
10 authorized by a qualifying state statute enacted pursuant to
11 the master settlement agreement. Money in the fund shall be
12 invested by the state investment officer as land grant
13 permanent funds are invested pursuant to Chapter 6, Article 8
14 NMSA 1978. Money in the fund shall not be expended for any
15 purpose. Income earned from investment of the next generation
16 trust fund shall be distributed annually to the youth
17 development fund.

18 Section 3. NEXT GENERATION COUNCIL CREATED-- GRANT
19 PROGRAM- YOUTH DEVELOPMENT FUND CREATED.--

20 A. The "next generation council" is created. The
21 council shall consist of fifteen members with experience in
22 youth development who are appointed so as to provide
23 geographic diversity. Ten adult members shall be appointed to
24 four-year terms and five student members shall be appointed to
25 two-year terms by the following appointing authorities as

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1 follows:

2 (1) one adult and one student enrolled at a
3 post-secondary educational institution shall be appointed by
4 the governor;

5 (2) one adult and one high school student
6 shall be appointed by the speaker of the house of
7 representatives and president pro tempore of the senate;

8 (3) one adult and one student enrolled at a
9 post-secondary educational institution shall be appointed by
10 the commission on higher education;

11 (4) one adult and high school student shall
12 be appointed by the secretary of health;

13 (5) one adult and one high school student
14 shall be appointed by the state board of education; and

15 (6) five adults shall be appointed by the
16 state board of education upon the recommendation of the New
17 Mexico community foundation.

18 B. The "youth development fund" is created in the
19 state treasury and shall be administered by the state
20 department of public education. The fund shall consist of
21 income from the next generation trust fund and any money from
22 any other public or private source distributed to or deposited
23 in the fund. Money in the youth development fund is
24 appropriated to the state department of public education for
25 the purpose of funding youth development programs and

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1 activities for youth from ages five through twenty throughout
2 rural and urban New Mexico. Balances in the fund at the end
3 of any fiscal year shall not revert to the general fund.

4 C. The state department of public education with
5 the assistance of the next generation council shall establish
6 a program to provide grant assistance through a competitive
7 proposal process to communities, public schools, not-for-
8 profit organizations and post-secondary educational
9 institutions for youth development programs and activities.
10 Priority shall be given to proposals that involve youth in
11 positive physical and mental health activities, promote
12 community service, leadership and citizenship or provide
13 training and assistance to youth workers in the area of youth
14 development.

15 D. The next generation council shall advise the
16 state department of public education on youth policies and
17 review and approve proposals for grant assistance.

18 E. Not more than three percent of the money
19 distributed to the fund in any fiscal year shall be used by
20 the state department of public education for administrative
21 purposes.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 5, 1999

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8 Mr. President:

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10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

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13 SENATE BILL 714

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15 has had it under consideration and reports same with
16 recommendation that it DO NOT PASS, but that

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19 SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
20 SENATE BILL 714

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22 DO PASS, and thence referred to the FINANCE COMMITTEE.

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24 Respectfully submitted,

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Shannon Robinson, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 4 For 1 Against
Yes: 4
No: Boitano
Excused: Ingle, Leavell, Stockard, Smith
Absent: None

S0714PA1

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 714

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO YOUTH DEVELOPMENT; CREATING THE NEXT GENERATION
TRUST FUND AND DEPOSITING A PORTION OF TOBACCO SETTLEMENT
REVENUES INTO THE FUND; CREATING THE NEXT GENERATION COUNCIL;
ESTABLISHING THE YOUTH DEVELOPMENT GRANT ASSISTANCE PROGRAM
AND FUND; MAKING AN APPROPRIATION; 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
"Youth Development Act".

Section 2. PURPOSE. --The purpose of the Youth
Development Act is to establish the next generation council
composed of both adults and youth to use a portion of New
Mexico's tobacco settlement revenues to establish a grant
assistance program to support community service, citizenship
and leadership activities developing the next generation.

1 Section 3. DEFINITIONS. --As used in the Youth
2 Development Act:

3 A. "council" means the next generation council
4 created pursuant to the Youth Development Act;

5 B. "department of education" means the state
6 department of public education; and

7 C. "fund" means the youth development grant
8 assistance program fund created pursuant to the Youth
9 Development Act.

10 Section 4. NEXT GENERATION COUNCIL CREATED--MEMBERSHIP--
11 TERMS. --

12 A. The "next generation council" is created. The
13 council is administratively attached to the department of
14 education, and the department shall provide administrative
15 support for the council in carrying out its duties as provided
16 in the Youth Development Act.

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

23 (1) one adult and one youth enrolled at a post-
24 secondary educational institution shall be appointed by the
25 governor;

1 (2) one adult and one youth shall be appointed
2 by the speaker of the house of representatives and president
3 pro tempore of the senate;

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

7 (4) one adult shall be appointed by the
8 secretary of health;

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

11 (6) five adults and two youths shall be
12 appointed by the secretary of children, youth and families
13 upon the recommendation of the New Mexico community
14 foundation.

15 C. To provide for staggered terms, the adults
16 appointed pursuant to Paragraphs (1) and (3) and three adults
17 appointed pursuant to Paragraph (6) of Subsection B of this
18 section shall serve for two years and youth members appointed
19 pursuant to Paragraphs (1) and (3) and one youth appointed
20 pursuant to Paragraph (6) of Subsection B of this section
21 shall serve initially for one year. Thereafter, adult members
22 shall be appointed to four-year terms and youth members to
23 two-year terms. A vacancy on the council shall be filled by
24 the respective appointing authority for the remainder of the
25 vacating member's term.

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1 D. The council shall elect annually from its
2 membership a chairman and other officers it deems necessary to
3 carry out its duties. The council shall meet at the call of
4 the chairman, but not less than once each quarter. A majority
5 of the members constitutes a quorum for the conduct of
6 business.

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

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

12 A. The "next generation trust fund" is created in
13 the state treasury. The fund shall consist of money
14 distributed to the fund pursuant to Subsection B of this
15 section.

16 B. The state treasurer shall distribute to the fund
17 ten percent of every amount distributed to the state pursuant
18 to the master settlement agreement entered into between
19 tobacco product manufacturers and the various states,
20 including New Mexico, and executed November 23, 1998 or
21 transferred to the state from a qualified escrow fund
22 authorized by a qualifying state statute enacted pursuant to
23 the master settlement agreement.

24 C. Money in the next generation trust fund shall be
25 invested by the state investment officer as land grant

1 permanent funds are invested pursuant to Chapter 6, Article 8
 2 NMSA 1978 and shall not be expended for any purpose. Income
 3 earned from investment of the next generation trust fund shall
 4 be distributed annually to the youth development grant
 5 assistance program fund.

6 Section 6. YOUTH DEVELOPMENT GRANT ASSISTANCE PROGRAM
 7 FUND CREATED. --The "youth development grant assistance program
 8 fund" is created in the state treasury and shall be
 9 administered by the department of education pursuant to the
 10 direction and policies of the council. The fund shall consist
 11 of income from the next generation trust fund and money from
 12 any other public or private source appropriated to or
 13 deposited in the fund. Money in the fund is appropriated to
 14 the council to carry out a youth development grant assistance
 15 program. Any interest earned on balances in the fund shall be
 16 credited to the fund. Balances in the fund at the end of any
 17 fiscal year shall be retained in the fund for expenditure as
 18 provided in this section and shall not revert to the general
 19 fund. Disbursements from the fund shall be made only on
 20 warrants drawn by the secretary of finance and administration
 21 pursuant to vouchers signed by the chairman of the council or
 22 his authorized representative.

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

25 A. The council shall develop, implement and manage a

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1 youth development grant assistance program to provide grants
2 through a competitive proposal process to communities, public
3 schools, not-for-profit organizations, tribal entities and
4 post-secondary educational institutions for youth development
5 programs and activities for youth from ages five through
6 twenty throughout rural and urban New Mexico. Priority shall
7 be given to proposals that involve youth in such positive
8 activities as after-school programs, community service
9 learning, leadership and citizenship and that provide training
10 and assistance to youth workers in the area of youth
11 development.

12 B. The council shall determine the policies for and
13 programmatic direction of the youth development grant
14 assistance program and implement the grant process, including
15 development of the requests for grant proposals, review and
16 approval of grant applications and oversight and management of
17 the grants. The council shall also advise the department of
18 education and the children, youth and families department on
19 youth policies.

20 C. The council shall hire staff or contract with
21 persons or entities as necessary to carry out its duties
22 pursuant to this section. The department of education shall
23 provide such administrative assistance to the council as
24 agreed upon by the department and the council. Not more than
25 ten percent of the money distributed to the fund in any fiscal

1 year shall be used by the council and the department of
2 education for administrative purposes.

3 Section 8. EMERGENCY.--It is necessary for the public
4 peace, health and safety that this act take effect
5 immediately.

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SPAC/SB 714

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FORTY- FOURTH LEGI SLATURE
FIRST SESSI ON, 1999

March 5, 1999

Mr. Presi dent:

Your PUBLIC AFFAIRS COMMI TTEE, to whom has been
referred

SENATE BILL 714

has had it under consideration and reports same with
recomm~~endation~~ that it DO NOT PASS, but that

SENATE PUBLIC AFFAIRS COMMI TTEE SUBSTITUTE FOR
SENATE BILL 714

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DO PASS, and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

Shannon Robinson, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 4 For 1 Against

Yes: 4

No: Boitano

Excused: Ingle, Leavell, Stockard, Smith

Absent: None

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