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SENATE BILL 534

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Gerald Ortiz y Pino

AN ACT

RELATING TO CHILDREN; AMENDING THE CHILDREN'S TRUST FUND ACT TO CLARIFY ITS PURPOSES, REVISE THE BOARD'S MEMBERSHIP AND CLARIFY THE ACT'S EXPENDITURE PROVISIONS.

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. 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, including projects and programs that advocate for and educate about the prevention of child abuse and neglect;

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

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

6 B. manage next generation fund projects and
7 programs."

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

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

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

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

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

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

22 E. "next generation fund projects and programs"
23 means projects and programs funded from the next generation
24 fund that meet the requirements for funding provided in Section
25 [~~5 of this 2005 act~~] 24-19-10 NMSA 1978; and

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1 F. "secretary" means the secretary of children,
2 youth and families."

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

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

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

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

24 C. Up to ten percent of the income received from
25 investment of the children's trust fund may be expended for

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

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

12 E. One-half of the money transferred to the
13 children's trust fund pursuant to Section 40-1-11 NMSA 1978,
14 [~~and~~] all of the money transferred to the children's trust fund
15 pursuant to Section 66-3-420 NMSA 1978 and all of the money
16 received from federal funds or grants and donations or bequests
17 from private sources as provided for in Section 24-19-9 NMSA
18 1978 shall be deemed income received from investment of the
19 fund."

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

22 "24-19-5. CHILDREN'S TRUST FUND BOARD OF TRUSTEES
23 CREATED--MEMBERS.--

24 A. There is created the "children's trust fund
25 board of trustees" consisting of [~~nine~~] thirteen members, not

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1 employees of the state, knowledgeable in the area of children's
2 programs and representative of multiple, diverse perspectives
3 within the state, who shall be appointed by the governor with
4 the advice and consent of the senate. No more than seven of
5 the members shall be from the same political party. Of these
6 members, at least two shall be individuals of recognized
7 standing in the field of children's services. On the initial
8 board, two members shall be appointed for terms ending on July
9 1, 1988; two members shall be appointed for terms ending on
10 July 1, 1989; and three members shall be appointed for terms
11 ending on July 1, 1990. Thereafter, appointments shall be made
12 for terms of four years. Vacancies of appointed members shall
13 be filled by appointment by the governor for the unexpired
14 term.

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

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

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

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1 proposal's merit and feasibility, the best interest of the
2 beneficiaries of the children's project or program proposal and
3 the capacity of the children's project's or program's success
4 or failure for evaluation."

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

7 "24-19-8. CHILDREN, YOUTH AND FAMILIES DEPARTMENT--
8 ADDITIONAL POWERS AND DUTIES.--The department shall:

9 A. promulgate rules approved by the board;

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

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

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

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

25 (3) each children's project or program shall

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

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

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

14 E. adopt standard contract provisions; and

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

19 SECTION 7. Section 24-19-9 NMSA 1978 (being Laws 1986,
20 Chapter 15, Section 9, as amended) 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 Trust
23 Fund Act, the department may accept any federal matching funds
24 or grants for children's projects and programs or next
25 generation fund projects and programs. The department may

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1 accept donations and bequests from private sources for deposit
2 in the children's trust fund or the next generation fund, as
3 applicable. Federal matching funds or grants and donations or
4 bequests from private sources shall be distributed by the board
5 or council as specified by the granting entity or donor."

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

8 "24-19-10. NEXT GENERATION FUND--CREATED--EXPENDITURE
9 LIMITATIONS.--

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

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

19 Next generation fund projects and programs shall:

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

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

25 (3) promote community service, leadership and

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1 citizenship; and

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

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

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

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

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

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

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1 A. The "next generation council" is created. The
2 board shall appoint ten members, at least two from each
3 congressional district, who are not employees of the state who
4 are knowledgeable in the area of positive child and youth
5 development programs. Members serve at the pleasure of the
6 board. Members shall select a member to serve as [~~chairperson~~]
7 chair of the council. Members are entitled to per diem and
8 mileage as provided in the Per Diem and Mileage Act and shall
9 receive no other compensation, perquisite or allowance.

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

15 SECTION 10. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2011.