

ARTICLE 5B

Youth Conservation Corps

9-5B-1. Short title.

Chapter 9, Article 5B NMSA 1978 may be cited as the "New Mexico Youth Conservation Corps Act".

History: Laws 1992, ch. 91, § 1; 2019, ch. 117, § 5.

ANNOTATIONS

Cross references. — For the Apprenticeship Assistance Act, see 21-19A-1 NMSA 1978 et seq.

The 2019 amendment, effective July 1, 2019, changed "This act" to "Chapter 9, Article 5B NMSA 1978".

9-5B-2. Purpose.

The purpose of the New Mexico Youth Conservation Corps Act is to provide a process to employ young persons in public projects that conserve New Mexico's natural resources and provide community benefits of lasting value. New Mexico will benefit by having its natural and urban environments improved and enhanced and its youth instilled with an appreciation of natural resources, cooperation, hard work and accomplishment.

History: Laws 1992, ch. 91, § 2.

ANNOTATIONS

Effective dates. — Laws 1992, ch. 91 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective May 20, 1992, 90 days after the adjournment of the legislature.

9-5B-3. Definitions.

As used in the New Mexico Youth Conservation Corps Act:

- A. "commission" means the New Mexico youth conservation corps commission;
- B. "corps" means the New Mexico youth conservation corps;

C. "corps member" means a person enrolled in the corps;

D. "department" means the energy, minerals and natural resources department;

E. "nonprofit organization" means any organization that has been granted an exemption from federal income tax by the United States commissioner of internal revenue as an organization described in Section 501(c) of the United States Internal Revenue Code of 1986, as amended or renumbered;

F. "project" means an activity that can be completed in six months or less, results in a specific identifiable service or product that otherwise would not be accomplished with existing funds and does not duplicate the routine services or functions of the sponsor;

G. "resident" means an individual who has resided in New Mexico for at least six months before applying for employment with the corps; and

H. "sponsor" means any local unit of government, state agency, federal agency, nonprofit organization or federally recognized Native American tribe.

History: Laws 1992, ch. 91, § 3.

ANNOTATIONS

Effective dates. — Laws 1992, ch. 91 contained no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), was effective May 20, 1992, 90 days after the adjournment of the legislature.

Cross references. — For Section 501(c) of the United States Internal Revenue Code of 1986, see 26 U.S.C. § 501(c).

9-5B-4. Project objectives.

Corps members shall generally be involved in projects in New Mexico that:

A. preserve, maintain and enhance natural resources;

B. rehabilitate and improve cultural, historical and agricultural resources;

C. benefit recreational areas and parks by improving their use and access;

D. assist in emergency operations, including fires, floods and rescue of lost or injured persons;

E. beautify, improve and restore urban areas; and

F. renovate community facilities, including those for the elderly or indigent.

History: Laws 1992, ch. 91, § 4.

ANNOTATIONS

Effective dates. — Laws 1992, ch. 91 contained no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), was effective May 20, 1992, 90 days after the adjournment of the legislature.

9-5B-5. Commission created; membership; appointments; terms; vacancies; compensation.

A. There is created a nine-member "New Mexico youth conservation corps commission" which is administratively attached to the department. The commission consists of the following members:

- (1) the superintendent of public instruction or his designee;
- (2) the commissioner of public lands or his designee;
- (3) the secretary of energy, minerals and natural resources or his designee;
- (4) the secretary of the youth authority [children, youth, and families department] or his designee; and
- (5) five members of the general public appointed by the governor to reflect the geographic diversity of the state, one of whom is knowledgeable in the current policies of the United States forest service and one of whom is Native American.

B. One of the members of the commission shall be appointed by the governor for a one-year term, two members shall be appointed for two-year terms, two members shall be appointed for three-year terms and all subsequent appointments shall be made for three-year terms.

C. The public members shall serve at the pleasure of the governor. Vacancies on the commission shall be filled by appointment by the governor for the unexpired term within sixty days of the vacancy. Commission members shall serve until their successors have been appointed.

D. A majority of the members of the commission constitutes a quorum for transaction of business. The commission shall elect a chairman from its membership.

E. Members of the commission shall be compensated as provided in the Per Diem and Mileage Act [[10-8-1](#) to [10-8-8](#) NMSA 1978] and shall receive no other compensation, perquisite or allowance.

History: Laws 1992, ch. 91, § 5.

ANNOTATIONS

Effective dates. — Laws 1992, ch. 91 contained no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), was effective May 20, 1992, 90 days after the adjournment of the legislature.

Bracketed material. — The bracketed material was inserted by the compiler and is not part of the law.

Laws 1992, ch. 57, § 56 repealed the Youth Authority Act, as enacted by Laws 1988, ch. 101, §§ 1-16 and Laws 1990, ch. 32, §§ 1-2, effective July 1, 1992.

Laws 1992, ch. 57, § 52 provided that all references in law to the youth authority shall be construed to mean the children, youth and families department.

9-5B-6. Commission; powers and duties.

A. The commission may:

- (1) accept gifts, devises, grants and donations from others to carry out the provisions of the New Mexico Youth Conservation Corps Act;
- (2) request assistance and staff support from the department;
- (3) employ such personnel as necessary to carry out the provisions of the New Mexico Youth Conservation Corps Act;
- (4) delegate responsibility for the administration and implementation of conservation projects, corps members' employment and supervision, project coordination and other program matters;
- (5) establish work camps and long-term residential facilities to house corps members and their supervisors; and
- (6) contact potential sponsors and funding sources for support.

B. The commission shall:

- (1) adopt rules that are necessary for the proper administration of the New Mexico Youth Conservation Corps Act;
- (2) administer and enforce the provisions of the New Mexico Youth Conservation Corps Act and rules adopted pursuant to Paragraph (1) of this subsection;
- (3) develop and approve corps work projects, activities and contracts with project sponsors;
- (4) establish standards, procedures and policies for selecting, hiring, providing compensation for and other personnel matters involving corps members and other personnel;
- (5) foster partnerships and cooperation between the corps and New Mexico's secondary and post-secondary schools to assist corps members in obtaining education and job training; and
- (6) hire a program manager, who shall be the administrative officer of the corps.

History: Laws 1992, ch. 91, § 6; 2019, ch. 117, § 6; 2020, ch. 65, § 1.

ANNOTATIONS

The 2020 amendment, effective May 20, 2020, revised certain duties of the New Mexico youth conservation corps commission; and in Subsection B, after "New Mexico Youth Conservation Corps Act", deleted "including the outdoor equity grant program", and deleted former Paragraph B(4) and redesignated the succeeding paragraphs accordingly.

Temporary provisions. — [Laws 2020, ch. 65, § 6](#), provided that on May 20, 2020:

A. all functions, appropriations, money, records and files of the New Mexico youth conservation corps commission relating to the outdoor equity grant program shall be transferred to the New Mexico outdoor recreation division of the economic development department;

B. all contractual obligations of the New Mexico youth conservation corps commission relating to the outdoor equity grant program shall be binding on the New Mexico outdoor recreation division; and

C. the rules, orders and decisions of the New Mexico youth conservation corps commission relating to the outdoor equity grant program shall remain in effect until repealed or amended.

The 2019 amendment, effective July 1, 2019, required the New Mexico youth conservation corps commission to administer the outdoor equity grant program and to adopt rules for the proper administration of the outdoor equity grant program; in Subsection B, Paragraph B(1), after "adopt rules", deleted "and regulations", and after "Youth Conservation Corps Act", added "including the outdoor equity grant program", in Paragraph B(2), after "rules", deleted "and regulations", and added a new Paragraph B(4) and redesignated former Paragraphs B(4) through B(6) as Paragraphs B(5) through B(7), respectively.

9-5B-7. Application for project approval; considerations for approval.

A. Sponsors shall apply to the commission for project approval.

B. A sponsor's application shall include:

- (1) a comprehensive work plan;
- (2) a complete project cost estimate;
- (3) the number of corps members required; and
- (4) the estimated time necessary to complete the project.

C. The commission shall examine the following in considering a project for approval or rejection:

- (1) the opportunities the project provides in the development of skills, discipline and good work habits;
- (2) the degree of difficulty in carrying out the project;

(3) the project's compliance with conservation and community service objectives, as set forth in Section 4 [9-5B-4 NMSA 1978] of the New Mexico Youth Conservation Corps Act;

(4) the sponsor's ability to contribute the necessary financial and human resources to the project; and

(5) the project's compatibility with concurrent corps projects, including the availability of the required corps work force.

D. A project shall not be approved if its implementation would result in the displacement of currently employed workers, including a partial displacement, such as reduction in hours or benefits. Participating sponsors shall not terminate, lay off or reduce the working hours of any employee in order to use a corps member to perform the employee's duties.

History: Laws 1992, ch. 91, § 7.

ANNOTATIONS

Effective dates. — Laws 1992, ch. 91 contained no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), was effective May 20, 1992, 90 days after the adjournment of the legislature.

9-5B-8. Eligibility requirements; benefits.

A. Persons eligible for enrollment as corps members are persons who:

(1) are unemployed;

(2) are between the ages of fourteen and twenty-five years old;

(3) are New Mexico residents; and

(4) meet any additional eligibility standards for employment as deemed necessary by the commission.

B. Corps members are not entitled to any employee benefits provided to state employees under the Personnel Act [Chapter 10, Article 9 NMSA 1978]. Corps members shall be entitled to receive workers' compensation benefits provided by the commission.

History: Laws 1992, ch. 91, § 8.

ANNOTATIONS

Effective dates. — Laws 1992, ch. 91 contained no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), was effective May 20, 1992, 90 days after the adjournment of the legislature.

9-5B-9. Education; training.

A. Corps members shall be encouraged to increase their opportunities for employment by education and training. Corps personnel shall seek cooperative agreements with community colleges, vocational schools and other institutions of higher learning in an effort to aid corps members in achieving their educational goals. Corps personnel shall provide opportunities for corps members to achieve basic education, literacy and high school or equivalency diplomas.

B. On completion of employment, a corps member who has twelve full months of employment as a corps member during a period not to exceed forty-eight months and who has received satisfactory evaluations throughout the corps member's employment is entitled to receive as additional compensation five hundred dollars (\$500) or a one thousand five hundred dollar (\$1,500) educational tuition voucher at a New Mexico institution of higher education. The educational tuition voucher is valid for two years. If the corps member receives a satisfactory employment evaluation and the program manager determines that the corps member's employment was less than twelve months in a four-year period due to circumstances beyond the corps member's control, the program manager may authorize a partial compensation payment or a partial educational tuition voucher to that corps member.

History: Laws 1992, ch. 91, § 9; 2001, ch. 235, § 1; 2005, ch. 88, § 1.

ANNOTATIONS

The 2005 amendment, effective June 17, 2005, increased the amount of education vouchers to one thousand five hundred dollars.

The 2001 amendment, effective June 15, 2001, in Subsection B, substituted "twelve full months of employment" for "one full year of continuous employment"; inserted "during a period not to exceed forty-eight months"; deleted "public" preceding "institution of higher education" and substituted "less than twelve months in a four-year period" for "completed in less than a year".

9-5B-10. Fund created; disposition.

A. The "New Mexico youth conservation corps fund" is created in the state treasury. All appropriations, gifts, devises, grants and donations received shall be deposited in the fund. Money in the fund is appropriated to the commission for the purpose of carrying out the provisions of the New Mexico Youth Conservation Corps Act. Any interest accruing to the fund shall remain in the fund. Money in the fund shall not revert at the end of a fiscal year.

B. The fund shall be administered by the department. Disbursements from the fund shall be made only upon warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the chairman of the commission or his designee for the purpose of carrying out the provisions of the New Mexico Youth Conservation Corps Act.

History: Laws 1992, ch. 91, § 10.

ANNOTATIONS

Effective dates. — Laws 1992, ch. 91 contained no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), was effective May 20, 1992, 90 days after the adjournment of the legislature.

9-5B-10.1. Recompiled.

History: [Laws 2019, ch. 117, § 7](#); § 9-5B-10.1 recompiled and amended as § 9-15-14.4 by [Laws 2020, ch. 65, § 4](#).

ANNOTATIONS

Recompilations. — [Laws 2020, ch. 65, § 4](#) recompiled and amended former [9-5B-10.1](#) NMSA 1978 as [9-15-14.4](#) NMSA 1978, effective May 20, 2020.

9-5B-10.2. Recompiled.

History: [Laws 2019, ch. 117, § 8](#); § 9-5B-10.2 recompiled and amended as § 9-15-14.5 by [Laws 2020, ch. 65, § 5](#).

ANNOTATIONS

Recompilations. — [Laws 2020, ch. 65, § 5](#) recompiled and amended former [9-5B-10.2](#) NMSA 1978 as [9-15-14.5](#) NMSA 1978, effective May 20, 2020.

9-5B-11. Report by commission.

At least forty-five days prior to each legislative session, the commission shall submit a report concerning its activities, the projects implemented and any recommendations to the governor and the legislature.

History: Laws 1992, ch. 91, § 11.

ANNOTATIONS

Effective dates. — Laws 1992, ch. 91 contained no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), was effective May 20, 1992, 90 days after the adjournment of the legislature.