

Positive Youth Development Fund

This proposed legislation provides a framework for establishing a dedicated Positive Youth Development Fund, leveraging potential social media settlement funds and other sources, to promote youth well-being and connection and prevent harm through accessible, community-based, out-of-school programs and other opportunities.

Working Draft of Proposed Legislation

(1) As used in this section

- (a) "Commission" means the Kentucky Positive Youth Development Commission created in subsection (7) of this section;
- (b) "Children and youth" means school-age children and young adults up to age 25 ;
- (c) "Eligible organizations" means community-based organizations, statewide youth-serving organizations, cities and counties delivering youth programs, and schools delivering youth programs outside of school hours; and
- (d) "Positive youth development programming" means structured programs or activities with engaged adult mentors and evidence-based or evidence-informed practices provided to children and youth before school, after school, or during summer, and programming provided to adults for the purpose of family engagement; It does not include basic education programming provided during school hours.

(2) There is hereby established in the State Treasury a trust and agency account to be known as the Positive Youth Development Fund. Monies in the fund shall be distributed as described in subsection (10) of this section unless inconsistent with an order of a court of competent jurisdiction in connection with any settlement, judgment, or bankruptcy proceeding for the purposes set forth in this section.

(3) The fund shall consist of appropriations and transfers from the state general fund, federal funds, and any other source of revenue made available to the fund, including public and private grants and existing and future funds from any legal settlement, judgment, or bankruptcy proceeding related to harms against children and youth including from ongoing litigation against social media companies.

(4) (a) Amounts deposited in the fund shall be used only for the purposes described in this section.

(b) Monies from the fund shall not be used to displace, replace, or supplant the amount appropriated to positive youth development programming from other sources.

(c) Monies in the fund shall be distributed no less than annually.

(d) Monies in the fund not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.

(e) Any interest earnings of the fund shall not lapse but shall become a part of the fund.

(6) (a) The Department of Law may recover its reasonable costs of litigation from the monies received from any legal settlement, judgment, or bankruptcy proceeding related to litigation against social media companies.

(b) The Department of Law may recover any direct costs, including employee time, used to perform or administer the duties required by this section.

(c) The Department of Law shall report all such recovered costs to the commission no less than annually.

(7) There is hereby established the Positive Youth Development Commission. The fund shall be attached to the Department of Law for administrative purposes.

(8) (a) The commission shall consist of the following voting members:

1. The Attorney General or his or her designee, who shall act as chair;
2. The State Treasurer or his or her designee;
3. The secretary of the Cabinet for Health and Family Services or his or her designee;
4. The commissioner of the Department of Education or his or her designee;
5. Three (3) members appointed by the Attorney General who are youth between the ages of 14-24;
6. Two (2) members appointed by the Attorney General who are parents of minor children, one (1) from a rural community and one (1) from an urban community;
7. One (1) member appointed by the Attorney General representing a grantmaking entity who historically grants funds to youth serving organizations;
8. One (1) member appointed by the Attorney General representing law enforcement;
9. One (1) member appointed by the Attorney General who is a mental health provider specializing in mental, social, and emotional development of children;
10. One (1) member appointed by the Attorney General with a professional specialization in public health;
11. One (1) member appointed by the Attorney General representing the Kentucky Chapter of the American Academy of Pediatrics; and
12. One (1) member appointed by the Attorney General who is a psychologist specializing in social media addiction.

(b) The commission shall consist of the following nonvoting members who shall serve at the pleasure of their appointing authority:

1. One (1) member appointed by the Speaker of the House of Representatives;
2. One (1) member appointed by the President of the Senate;

3. Two (2) representatives from statewide youth serving organizations from geographically diverse areas; and

4. One (1) representative from the statewide afterschool network.

(c) Members of the commission shall serve staggered two (2) year terms.

(d) Members of the commission shall not receive compensation for their services but may be reimbursed for necessary travel and lodging expenses incurred in the performance of their duties.

(9) The commission shall conduct business in the following manner:

(a) Meetings of the commission shall be conducted according to KRS 61.800 to 61.850.

(b) The commission shall meet at least twice within each calendar year.

(c) 8 voting members of the commission shall constitute a quorum for the transaction of business.

(d) Each member of the commission shall have one (1) vote, with all actions being taken by an affirmative vote of the majority of members present.

(10) The commission shall:

(a) Establish a grant application process for eligible organizations.

(b) Award monies from the Positive Youth Development Fund established in this section to eligible organizations to fund positive youth development programming impacting children and youth in Kentucky. All awards shall meet the criteria included in any settlement agreement, judgment, or bankruptcy order related to litigation against social media companies. The Commission shall reserve 10% of the funds to administer the grant program and provide technical assistance to organizations applying for and administering grants under this Act.

(c) Promulgate administrative regulations to implement this section. The commission may promulgate emergency administrative regulations to take effect immediately.

(d) Identify and coordinate with a grantmaking entity with which to develop applications and reporting requirements, monitor utilization of granted funds, administer or support quality control and evaluative services, or grant funds to fulfill these duties.

Possible Trigger Language for Budget (if unable to proceed with bill establishing Commission)

Any funds made available to Kentucky from any legal settlement, judgement, or bankruptcy processing related to harms against children and youth including from ongoing litigation against social media companies shall be held in an account under the Attorney General or another entity until further direction for the funds is provided by the General Assembly in the next legislative session.

Recommended Budget Language

New funding – One-time only

Included in the General Fund appropriation (or Budget Reserve Trust Fund appropriation) is \$2,500,000 in each fiscal year for the Positive Youth Development Fund to support positive youth development programs for children and youth in Kentucky.