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HOUSE BILL 182

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO APPRENTICESHIPS; AMENDING THE APPRENTICESHIP ASSISTANCE ACT; MOVING THE FUNCTIONS, APPROPRIATIONS, MONEY, CONTRACTUAL OBLIGATIONS AND OTHER PROPERTY, POWERS AND DUTIES RELATED TO THE ADMINISTRATION AND OVERSIGHT OF THE APPRENTICESHIP ASSISTANCE ACT FROM THE INSTRUCTIONAL SUPPORT AND VOCATIONAL EDUCATION DIVISION OF THE PUBLIC EDUCATION DEPARTMENT TO THE WORKFORCE SOLUTIONS DEPARTMENT; CHANGING THE MEMBERSHIP OF THE APPRENTICESHIP AND TRAINING ADVISORY COMMITTEE.

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

SECTION 1. Section 21-19A-1 NMSA 1978 (being Laws 1992, Chapter 93, Section 1) is amended to read:

"21-19A-1. SHORT TITLE.--~~[This act]~~ Chapter 21, Article 19A NMSA 1978 may be cited as the "Apprenticeship Assistance .195208.2SA

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1 Act".

2 SECTION 2. Section 21-19A-2 NMSA 1978 (being Laws 1992,
3 Chapter 93, Section 2) is amended to read:

4 "21-19A-2. PURPOSE.--The purpose of the Apprenticeship
5 Assistance Act is to assist apprenticeship programs that will
6 develop skilled craftsmen in occupations recognized by the
7 [~~bureau~~] office of apprenticeship and the [~~council~~] state
8 apprenticeship agency to accommodate the social and economic
9 needs of the adult citizens of New Mexico and to enhance the
10 economic development of the state."

11 SECTION 3. Section 21-19A-3 NMSA 1978 (being Laws 1992,
12 Chapter 93, Section 3) is amended to read:

13 "21-19A-3. DEFINITIONS.--As used in the Apprenticeship
14 Assistance Act:

15 A. "advisory committee" means the apprenticeship
16 and training advisory committee to the division;

17 B. "apprentice" means a person at least sixteen
18 years [~~old~~] of age who is approved by the council and is
19 covered by a written agreement with an employer or with an
20 association of employers or employees acting as agent for an
21 employer, which [~~apprentice~~] written agreement provides for
22 reasonably continuous employment of the person for not less
23 than two thousand hours [~~required for any~~] in the given trade
24 [~~for~~] in which that person [~~for his participation~~] is
25 apprenticed in an approved schedule of work experience [~~through~~

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1 ~~employment~~] and for at least one hundred forty-four hours per
2 year of related and supplemental instruction;

3 C. "apprenticeship committee" means the sponsoring
4 committee of each apprenticeable craft that is responsible for
5 that particular apprenticeship program;

6 D. "apprenticeship-related instruction" means
7 skills taught off the job that are required by the particular
8 apprenticeable craft and that the apprentice needs to complete
9 ~~[his]~~ the apprenticeship as required by the ~~[council]~~ state
10 apprenticeship agency and the ~~[bureau]~~ office of
11 apprenticeship;

12 ~~[E. "bureau" means the bureau of apprenticeship and~~
13 ~~training of the United States department of labor;~~

14 ~~F. "council" means the state apprenticeship~~
15 ~~council;]~~

16 E. "department" means the workforce solutions
17 department;

18 ~~[G.]~~ F. "division" means the [vocational education]
19 labor relations division of the ~~[state]~~ department ~~[of public~~
20 ~~education]~~;

21 G. "office of apprenticeship" means the office of
22 apprenticeship of the employment and training administration of
23 the United States department of labor;

24 H. "related instruction" means organized, off-the-
25 job instruction in theoretical or technical subjects required

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1 for the completion of an apprenticeship for a particular
2 apprenticeable trade; [~~and~~]

3 I. "state apprenticeship agency" means the state
4 apprenticeship agency within the department; and

5 [~~F.~~] J. "supplementary instruction" means new or
6 upgrading skill training for those already employed as
7 journeymen craftsmen."

8 SECTION 4. Section 21-19A-4 NMSA 1978 (being Laws 1992,
9 Chapter 93, Section 4) is amended to read:

10 "21-19A-4. APPRENTICESHIP COMMITTEE--DUTIES.--The
11 apprenticeship committee for each apprenticeship training
12 program shall:

13 A. establish standards and goals for related
14 instruction for apprentices in the program and supplementary
15 instruction for journeymen;

16 B. establish rules governing on-the-job training
17 and other instruction for apprentices in the program;

18 C. plan and organize instructional materials
19 designed to provide technical and theoretical knowledge and
20 basic skills required by apprentices in the program;

21 D. select qualified instructors for the program;

22 E. monitor and evaluate the performance and
23 progress of each apprentice in the program and the program as a
24 whole;

25 F. interview applicants and select those who meet

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1 the criteria developed by the apprenticeship committee;

2 G. provide for the keeping and reporting of
3 ~~[student]~~ apprentice, program and fiscal data as required by
4 the United States department of education; and

5 H. perform any other duties that promote the goals
6 of individual apprentices and of the program as a whole."

7 SECTION 5. Section 21-19A-5 NMSA 1978 (being Laws 1992,
8 Chapter 93, Section 5) is amended to read:

9 "21-19A-5. CRITERIA FOR APPRENTICESHIP PROGRAMS.--

10 A. An apprenticeship program shall be registered by
11 the ~~[council]~~ state apprenticeship agency or the ~~[bureau]~~
12 office of apprenticeship.

13 B. An apprenticeship program shall be under the
14 direction of an apprenticeship committee and structured
15 according to ~~[CFR 29.29]~~ Title 29, Part 29 of the Code of
16 Federal Regulations. Committee members are appointed by one or
17 more employers of apprentices, one or more employee
18 representatives of an apprenticeable trade or a combination of
19 the above. If an apprenticeship committee is composed of
20 representatives of one or more employers and one or more
21 employee representatives, the number of committee members
22 designated by the employers shall be equal to the number of
23 committee members designated by the employee representatives.

24 C. Each apprentice participating in a program shall
25 have signed a written apprenticeship agreement with the

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1 apprenticeship committee stating the standards and conditions
2 of [~~his~~] employment and training, which standards shall conform
3 substantially with the standards of apprenticeship as
4 registered by the [~~council~~] state apprenticeship agency or
5 [~~bureau~~] the office of apprenticeship."

6 SECTION 6. Section 21-19A-7 NMSA 1978 (being Laws 1992,
7 Chapter 93, Section 7) is amended to read:

8 "21-19A-7. APPRENTICESHIP AND TRAINING ADVISORY
9 COMMITTEE.--

10 A. The division shall appoint an apprenticeship and
11 training advisory committee composed of [~~ten~~] nine voting
12 members who shall be New Mexico residents. The members shall
13 be as follows:

14 (1) two persons representing employers of
15 members of apprenticeable trades;

16 (2) two persons representing organized labor
17 for members of apprenticeable trades;

18 (3) two persons employed as full-time training
19 directors or program administrators of apprenticeship
20 committees;

21 (4) two persons employed by New Mexico
22 educational entities who teach or immediately supervise
23 preparatory instruction, supplementary instruction or related
24 instruction courses; and

25 (5) the state apprenticeship director of the

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1 [council] department, who shall serve as [chairman; and
2 ~~(6) the supervisor of trades and industry with~~
3 ~~the division]~~ chair.

4 B. Members of the advisory committee shall serve
5 terms of four years, except that the division shall designate
6 one member from each of the groups referred to in Paragraphs
7 (1) through (4) of Subsection A of this section to serve an
8 initial term of two years. Thereafter, all members shall serve
9 four-year terms.

10 C. Vacancies shall be filled for the unexpired
11 portion of a term vacated.

12 D. Nonvoting members of the advisory committee
13 shall include the following:

14 [~~(1) one person designated by and representing~~
15 ~~the advisory council for vocational education;~~

16 ~~(2) one person]~~ (1) two persons designated by
17 and representing the New Mexico college and university system
18 of vocational education;

19 [~~(3)~~] (2) one person designated by and
20 representing the [~~bureau~~] office of apprenticeship; and

21 [~~(4)~~] (3) one person representing the general
22 public who is familiar with the goals and needs of technical-
23 vocational education in New Mexico and who is not otherwise
24 eligible for service on the advisory committee.

25 E. The member of the advisory committee

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1 representing the general public shall be appointed by the
2 division for a term of four years. All other nonvoting members
3 of the advisory committee shall serve at the pleasure of the
4 agency or institution each respective member represents.

5 F. The advisory committee shall meet on an annual
6 basis or at the call of the [~~chairman~~] chair.

7 G. The members of the advisory committee shall be
8 subject to such laws and practices as are applicable to the
9 service and compensation of employees of the state. Members of
10 the advisory committee not otherwise compensated by public
11 funds shall be reimbursed for their official duties in
12 accordance with the Per Diem and Mileage Act for attendance at
13 not in excess of twelve meetings per year."

14 SECTION 7. Section 21-19A-8 NMSA 1978 (being Laws 1992,
15 Chapter 93, Section 8) is amended to read:

16 "21-19A-8. DUTIES OF ADVISORY COMMITTEE.--The advisory
17 committee shall provide input into the development of a
18 statewide plan for a comprehensive program of apprenticeship
19 training, which shall include but not be limited to the
20 following:

21 A. formulas and administrative procedures to be
22 used in requesting appropriations of state funds for
23 apprenticeship training;

24 B. forms, formulas and administrative procedures to
25 be used in distributing available funds to apprenticeship

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1 training programs, with the formulas based on data contained in
2 the update to the apprenticeship-related instruction cost study
3 required by Section [~~10 of the Apprenticeship Assistance Act~~]
4 21-19A-10 NMSA 1978, and the formulas shall be uniform in
5 application to all program sponsors; and

6 C. the content and method of the public notice
7 required by the Apprenticeship Assistance Act."

8 SECTION 8. Section 21-19A-12 NMSA 1978 (being Laws 1992,
9 Chapter 93, Section 12) is amended to read:

10 "21-19A-12. BUDGET--DISBURSEMENT AND APPROPRIATION.--

11 A. For the first two years after the effective date
12 of the Apprenticeship Assistance Act, the division shall
13 disburse funds for each apprenticeship committee, taking into
14 account the number of total monthly contact hours and based on
15 one dollar fifty cents (\$1.50) per participant contact hour of
16 related instruction, not to exceed two hundred twenty hours per
17 participant per year. Thereafter, funds shall be distributed
18 in accordance with Section [~~10 of the Apprenticeship Assistance~~
19 ~~Act~~] 21-19A-10 NMSA 1978.

20 B. The division shall require from the
21 apprenticeship committees such reports as it deems necessary
22 for the purpose of determining the number of total monthly
23 contact hours.

24 C. Funds appropriated under the Apprenticeship
25 Assistance Act shall be disbursed by the division, and the

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1 division shall have sole control over the disbursement of those
2 funds; provided, however, that the division shall not fund any
3 apprenticeship committee not certified by the [~~council~~] state
4 apprenticeship agency or the [~~bureau~~] office of
5 apprenticeship."

6 SECTION 9. Section 21-19A-13 NMSA 1978 (being Laws 1992,
7 Chapter 93, Section 13) is amended to read:

8 "21-19A-13. STATUS OF RECOMMENDATIONS.--

9 A. Recommendations of the advisory committee
10 submitted to the division shall be acted on and either accepted
11 or rejected.

12 B. A recommendation that is rejected shall be
13 returned immediately to the advisory committee accompanied by
14 written notice of the reasons for rejecting the recommendation.
15 Upon such notice, the division and the advisory committee shall
16 meet within fifteen days to resolve the issue, but if no
17 resolution of the recommendation is made, then the
18 [~~superintendent of public instruction~~] secretary of workforce
19 solutions shall decide the matter. [~~His~~] The secretary's
20 decision shall be final."

21 SECTION 10. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS,
22 MONEY, PROPERTY AND CONTRACTS.--On July 1, 2014:

23 A. all functions, appropriations, money, files,
24 records and other property for or used in the administration or
25 oversight of provisions of the Apprenticeship Assistance Act

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1 are transferred from the instructional support and vocational
2 education division of the public education department to the
3 workforce solutions department; and

4 B. all contractual obligations directly related to
5 the administration or oversight of the provisions of the
6 Apprenticeship Assistance Act and entered into by the
7 instructional support and vocational education division of the
8 public education department for that purpose are transferred to
9 the workforce solutions department.

10 SECTION 11. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2014.