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HOUSE BILL 136

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

David M. Gallegos

AN ACT

CHANGING THE NAME OF CERTAIN DIVISIONS IN THE WORKFORCE  
SOLUTIONS DEPARTMENT.

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

SECTION 1. Section 9-26-4 NMSA 1978 (being Laws 2007,  
Chapter 200, Section 4) is amended to read:

"9-26-4. WORKFORCE SOLUTIONS DEPARTMENT CREATED.--The  
"workforce solutions department" is created in the executive  
branch pursuant to the Executive Reorganization Act. The  
department is a cabinet department that includes:

- A. the office of the secretary;
- B. the administrative services division;
- C. the [~~business~~] employment services division;
- D. the labor relations division;
- E. the workforce technology division; and

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1 F. the [~~workforce transition services~~] unemployment  
2 insurance division."

3 SECTION 2. Section 50-14-2 NMSA 1978 (being Laws 1999,  
4 Chapter 260, Section 2, as amended) is amended to read:

5 "50-14-2. DEFINITIONS.--As used in the Workforce  
6 Development Act:

7 A. "board" means the state workforce development  
8 board;

9 B. "chief elected official" means the chief elected  
10 executive officer of a unit of general local government in a  
11 local area and in a case in which a local area includes more  
12 than one unit of general local government, "chief elected  
13 official" means the person designated under the agreement  
14 described in Section 117 (c)(1)(B) of the federal Workforce  
15 Investment Act of 1998;

16 C. "employment training program" means a program or  
17 a part of a program, regardless of which state or local agency  
18 administers it, that has as its primary purpose assisting  
19 persons in obtaining or enhancing employment;

20 D. "local board" means a local workforce  
21 development board; and

22 E. "office" or "division" means the [~~workforce~~  
23 ~~transition services~~] unemployment insurance division of the  
24 workforce solutions department."

25 SECTION 3. Section 50-14-9 NMSA 1978 (being Laws 2005,  
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1 Chapter 111, Section 10, as amended) is amended to read:

2 "50-14-9. [~~WORKFORCE TRANSITION SERVICES~~] UNEMPLOYMENT  
3 INSURANCE DIVISION.--

4 A. The "~~workforce transition services~~  
5 unemployment insurance division" is created in the workforce  
6 solutions department.

7 B. The division shall be the recipient of all  
8 grants from the United States pursuant to the federal Workforce  
9 Investment Act of 1998 and shall disburse those grants  
10 consistent with that act and the Workforce Development Act.

11 C. The division shall administer the provisions of  
12 the Workforce Development Act and is the governor's designee  
13 for the state with authority to administer New Mexico's program  
14 pursuant to the federal Workforce Investment Act of 1998. In  
15 performance of that duty and the duties set forth in Section  
16 50-14-10 NMSA 1978, the division has the general power to:

17 (1) sue and, subject to the provisions of the  
18 Tort Claims Act, be sued;

19 (2) enter into contracts, joint powers  
20 agreements and other contracts for workforce development  
21 services and administer related programs with other state  
22 agencies; local governments; state institutions of higher  
23 learning; Indian nations, tribes or pueblos; regional provider  
24 networks; and corporations authorized to do business in the  
25 state;

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1 (3) take administrative action by issuing  
2 orders and instructions, not inconsistent with law, to ensure  
3 implementation of and compliance with the provisions of law for  
4 which the division is responsible and to enforce those orders  
5 and instructions by appropriate administrative actions or  
6 actions in courts;

7 (4) promulgate, following the procedure in  
8 Subsection E of Section 9-1-5 NMSA 1978, reasonable rules  
9 necessary to carry out the duties of the division; and

10 (5) take all other actions necessary to meet  
11 the purposes of the Workforce Development Act."

12 SECTION 4. Section 51-1-2 NMSA 1978 (being Laws 1979,  
13 Chapter 280, Section 11, as amended) is amended to read:

14 "51-1-2. DEFINITIONS.--As used in the Unemployment  
15 Compensation Law:

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

18 B. "division" means the [~~workforce transition~~  
19 ~~services~~] unemployment insurance division of the department,  
20 the director of the division or an employee of the division  
21 exercising authority lawfully delegated to the employee by the  
22 director; and

23 C. "secretary" means the secretary of workforce  
24 solutions or an employee of the department exercising authority  
25 lawfully delegated to the employee by the secretary."

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SECTION 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2015.

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