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HOUSE BILL 438

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

NICK L. SALAZAR

AN ACT

CREATING THE STATE WORK FORCE DEVELOPMENT BOARD; DEFINING ITS
POWERS AND DUTIES.

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

Section 1. WORK FORCE DEVELOPMENT BOARD-- CREATION--
FILLING VACANCIES-- QUORUM - MEETINGS-- REIMBURSEMENT OF
MEMBERS. --

A. The "state work force development board" is
created. The board is an adjunct agency.

B. The board consists of six ex-officio members
and twenty members appointed by the governor with the advice
and consent of the senate. The ex-officio members are the
lieutenant governor; the secretary of children, youth and
families; the secretary of economic development; the secretary
of labor; the secretary of human services; and the

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1 superintendent of public instruction. The appointed members
2 are:

3 (1) four two-year term members consisting of
4 a teacher, administrator or board member of a public school
5 district; a faculty member, administrator or board of regent
6 member of a post-secondary institution of higher education; a
7 faculty member, administrator or board member of a secondary
8 or post-secondary vocational education institution; and a
9 board member, staff member or volunteer from a nonprofit
10 community-based organization;

11 (2) nine two-year term members appointed from
12 persons representative of business and industry;

13 (3) four two-year term members representing
14 organized labor; and

15 (4) three two-year term members appointed
16 from any three of the following entities: local welfare
17 agencies; public housing agencies; units of general local
18 government or consortia of those units who shall be appointed
19 from nominations made by chief elected officials of the units
20 or consortia; state and local programs that receive funding
21 under an applicable federal human resources program that the
22 governor determines have a direct interest in the use of human
23 resources within the state; and individuals that have special
24 knowledge and qualifications with respect to special education
25 and career development needs of hard-to-serve individuals.

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1 C. A vacancy on the board shall be filled by an
2 appointment of a successor from the same general category of
3 representation as his predecessor. A member shall serve until
4 his successor is qualified.

5 D. The lieutenant governor is the chairman of the
6 board.

7 E. The board shall meet at the call of the
8 chairman.

9 F. A majority of the board constitutes a quorum.

10 G. Appointed members who are not government
11 employees entitled to reimbursement by their respective
12 employers shall be paid pursuant to the Per Diem and Mileage
13 Act.

14 H. The governor shall request two members from the
15 house of representatives and two members from the senate to
16 participate as advisory members of the board.

17 Section 2. DUTIES OF THE WORK FORCE DEVELOPMENT BOARD. --

18 A. The work force development board shall review
19 and approve those parts of the annual plans of the following
20 cabinet departments pertaining to employment, training and
21 employment-related education and human services programs and
22 review the budget items of those parts of the plans:
23 children, youth and families department; economic development
24 department; human services department; labor department; and
25 the state department of public education.

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1 B. The board shall develop and coordinate the
2 implementation of a ten-year comprehensive work force
3 development plan of specific goals, objectives and policies
4 for the state. This plan shall be updated annually and
5 revised as necessary. State agencies involved in work force
6 development activities shall submit their goals, objectives
7 and policies to the board for its annual review and potential
8 inclusion in the plan. The plan shall include recommendations
9 to the legislature and the governor on the modification,
10 consolidation, initiation and coordination of work force
11 training and education programs in the state.

12 C. The board shall prepare a five-year strategic
13 plan for state work force development to implement the
14 specific comprehensive goals, objectives and policies of the
15 state. State agencies involved in work force development
16 activities and applicable regional or local boards or councils
17 shall submit their plans and programs to the board for its
18 annual review and potential inclusion in the strategic plan.
19 The five-year strategic plan for state work force development
20 shall be updated annually. The plan shall include
21 recommendations to the legislature and the governor on the
22 modification, consolidation, initiation and coordination of
23 work force training and education programs in the state.

24 D. In addition to its responsibilities pursuant to
25 Subsections A, B and C of this section, the board shall:

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1 (1) develop a method of evaluation for
2 attainment of goals and objectives of the five-year plan and
3 the ten-year plan that includes a system to measure program
4 performance, identify accomplishments and evaluate programs to
5 ensure goals and standard are met;

6 (2) monitor the implementation and evaluate
7 the effectiveness of the five-year plan and the ten-year plan;

8 (3) review the provision of services and use
9 of funds and resources under applicable federal and state
10 training, education and employment-related programs and advise
11 the governor on methods of coordinating the provision of
12 services and use of funds and resources consistent with the
13 laws and regulations governing those programs;

14 (4) perform the duties and functions
15 described for existing state councils described under laws
16 relating to the applicable federal and state programs;

17 (5) provide policy advice for any federal act
18 pertaining to work force development that is not required by
19 state or federal law to be provided by another body;

20 (6) identify policies to reduce
21 administrative and other barriers to efficient operation of
22 the state's work force development system, including among
23 those policies provisions for waivers of statutory
24 requirements and administrative rules for implementation of
25 one-stop access to work force development systems; and

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1 (7) upon enactment of new federal initiatives
2 relating to work force development, advise the governor and
3 the legislature on mechanisms for integrating the federal
4 initiatives into the state's work force development system and
5 make recommendations on legislative or administrative measures
6 necessary to streamline and coordinate state efforts to meet
7 federal guidelines.

8 Section 3. WORK FORCE DEVELOPMENT REGIONS-- REGIONAL
9 BOARDS-- DUTIES AND RESPONSIBILITIES. --

10 A. The work force development board shall
11 designate seven work force development regions in the state.
12 The designated regions shall be identical to the planning
13 districts established in the Planning District Act.

14 B. The board shall establish a regional work force
15 development board in each work force development region. A
16 regional work force development board shall:

17 (1) advise the state work force development
18 board on issues relating to regional and local work force
19 development needs;

20 (2) prepare annual regional work force
21 development plans for the implementation and promotion of
22 employment, job training and employment-related education and
23 human resources programs; and

24 (3) establish service delivery agreements
25 among regional service providers to coordinate employment, job

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1 training and employment-related education and human resources
2 programs at the local level.

3 C. A regional work force development board shall
4 have a minimum of fifty-one percent of its members coming from
5 the private sector and shall include representation of
6 education, government and community-based organizations and
7 others as appropriate and shall be appointed or ratified by
8 local elected public officials.

9 Section 4. APPLICABLE HUMAN RESOURCE PROGRAM DEFINED. --

10 A. As used in this section, "applicable human
11 resources program" means a program receiving federal funds
12 that the governor and the legislature agree to include within
13 the purview of the work force development board.

14 B. Applicable human resources programs:

15 (1) include programs authorized pursuant to:

16 (a) the federal Job Training
17 Partnership Act;

18 (b) the federal Carl D. Perkins
19 Vocational and Applied Technology Education Act;

20 (c) the federal Adult Education Act;

21 (d) the federal Wagner Peyser Act;

22 (e) Part A of Title 4 of the federal
23 Social Security Act;

24 (f) the training portion of the federal
25 Personal Responsibility and Work Opportunity Reconciliation

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1 Act of 1996;

2 (g) the federal Welfare to Work Act;

3 and

4 (h) the federal School-to-Work

5 Opportunities Act of 1994; and

6 (2) do not include programs authorized under
7 the federal Rehabilitation Act of 1973.

8 Section 5. FUNDING--PERSONNEL. --

9 A. To carry out its functions, the work force
10 development board may:

11 (1) use funds otherwise available for state
12 councils under the applicable federal human resources programs
13 consistent with the laws and regulations governing those
14 programs; and

15 (2) use funds, services, personnel,
16 facilities and information provided by state and local public
17 agencies, with the consent of the agencies.

18 B. Staff support for the work force development
19 board shall be provided equally by each of the state agencies
20 represented on the board.

21 Section 6. EFFECTIVE DATE. --The effective date of the
22 provisions of this state act is July 1, 1998.

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1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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6 February 12, 1998

7
8 Mr. Speaker:

9
10 Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
11 whom has been referred

12
13 HOUSE BILL 438

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, amended as follows:

17 1. On page 1, line 21, after "members" insert ", six of
18 whom shall be".

19
20 2. On page 1, lines 21 and 22, strike "with the advice
21 and consent of the senate" and insert in lieu thereof:

22
23 ", seven of whom shall be appointed by the speaker of the house
24 of representatives and seven of whom shall be appointed by the
25 committees' committee of the senate or, if appointed in the
interim, by the president pro tempore in consultation with and

. 121703. 3GJ

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HGUAC/HB 438

Page 10

4 agreement of a majority of the committees' committee".

5
6 3. On page 2, lines 21 and 22, strike "the governor
7 determines" and insert in lieu thereof "are determined by the
8 appointing authorities to".

9
10 4. On page 2, after line 25, insert the following new
11 subsection:

12 "C. The appointing authorities shall work together
13 to coordinate their appointments."

14
15 5. Reletter the succeeding subsections accordingly.

16
17 6. On page 3, line 14, strike "governor shall request"
18 and insert in lieu thereof "New Mexico legislative council shall
19 appoint".

20
21 7. On page 3, line 16, strike "of" and insert in lieu
22 thereof "to".

23
24 8. On page 3, line 18, before "The" insert "A".

25 9. On page 3, line 18, after "shall" insert "(1)".

. 121703. 3GJ

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HGUAC/HB 438

Page 11

4 10. On page 3, line 24, before "labor" insert "and".

5
6 11. On page 3, strike line 25 in its entirety.

7
8 12. On page 3, line 25, insert:

9
10 "(2) review plans approved by the state board of
11 education for work force related education programs that are
12 administered by the state department of public education."

13 13. On page 5, line 16, before the semicolon insert "not
14 including adult basic education".

15
16 14. On page 6, line 2, strike "and".

17
18 15. On page 6, line 3, before "legislature" strike "the".

19
20 16. On page 6, line 3, after "legislature" insert "and
the state board of education".

21
22 17. On page 6, between lines 7 and 8, insert the
23 following new subsection:

24 "E. The board shall make regular reports, but no
25 less than quarterly, to the legislative finance committee, the

. 121703. 3GJ

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HGUAC/HB 438

Page 12

4 legislative health and human services committee and any other
5 committee designated as appropriate by the New Mexico
6 legislative council. "

7
8 18. On page 7, between lines 8 and 9, insert:

9 "D. A regional work force development board shall
10 not perform the duties of a local school board. "

11
12 19. On page 7, strike lines 18 through 20 in their
13 entirety.

14
15 20. Renumber the succeeding subparagraphs accordingly. ,

16
17 and thence referred to the APPROPRIATIONS AND FINANCE
18 COMMITTEE.

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

HGUAC/HB 438

Page 13

The roll call vote on Amendment #1 was 3 For 2 Against

Yes: 3

No: Hobbs, Wallace

Excused: Pearce, Saavedra

Absent: None

Respectfully submitted,

Lynda M. Lovejoy,
Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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HGUAC/HB 438

Page 14

The roll call vote was 6 For 0 Against

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

3 **HGUAC/HB 438**

Page 15

4 **Yes: 6**
5 **Excused: Pearce**
6 **Absent: None**

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