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SENATE BILL 232

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

INTRODUCED BY

RAMSAY L. GORHAM

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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4
5
6 February 2, 1998

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8 Mr. President:

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10 Your COMMITTEES' COMMITTEE, to whom has been referred

11
12 SENATE BILL 232

13
14 has had it under consideration and finds same to be GERMANE,
15 pursuant to Senate Executive Message No. 37, and thence referred to
16 the PUBLIC AFFAIRS COMMITTEE.

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19 Respectfully submitted,

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24 _____
25 Manny M. Aragon, Chairman

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

S0232CC1

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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6 February 13, 1998

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8 Mr. President:

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10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

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12 SENATE BILL 232

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14 has had it under consideration and reports same with recommendation
15 that it DO NOT PASS, but that

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18 SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR

19 SENATE BILL 232

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21 DO PASS, and thence referred to the CORPORATIONS &
22 TRANSPORTATION COMMITTEE.

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24 Respectfully submitted,

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Shannon Robinson, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Garcia, Ingle, Smith, Vernon

Absent: None

S0232PA1

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 232

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

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. STATE 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 appointed members. 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
superintendent of public instruction. Of the twenty appointed
members, ten shall be appointed by the governor with the advice

1 and consent of the senate, five shall be appointed by the speaker
2 of the house of representatives and five shall be appointed by
3 the committees' committee of the senate or, if the appointments
4 are made in the interim, by the president pro tempore of the
5 senate after consultation with and agreement of a majority of the
6 members of the committees' committee.

7 (1) The governor's appointees shall be:

8 (a) one two-year-term member consisting of a
9 teacher, administrator or board member of a public school
10 district;

11 (b) one two-year-term member who is a faculty
12 member, administrator or board member of a secondary or
13 post-secondary vocational education institution;

14 (c) four two-year-term members appointed from
15 persons representative of business and industry;

16 (d) two two-year-term members representing
17 organized labor; and

18 (e) two two-year-term members appointed from
19 any two of the following entities: local welfare agencies; public
20 housing agencies; units of general local government or consortia
21 of those units who shall be appointed from nominations made by
22 chief elected officials of the units or consortia; state and
23 local programs that receive funding under an applicable federal
24 human resources program that the governor determines have a
25 direct interest in the use of human resources within the state;

1 and individuals that have special knowledge and qualifications
 2 with respect to special education and career development needs of
 3 hard-to-serve individuals.

4 (2) The speaker of the house's appointees shall
 5 be:

6 (a) one two-year-term member who is a faculty
 7 member, administrator or board of regent member of a
 8 post-secondary institution of higher education;

9 (b) one two-year-term member appointed from
 10 persons representative of business and industry;

11 (c) two two-year-term members representing
 12 organized labor; and

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

24 (3) The senate committees' committee's appointees
 25 shall be:

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1 (a) one two-year-term member who is a
2 staff member or volunteer from a nonprofit community-based
3 organization;

4 (b) two two-year-term members appointed
5 from persons representative of business and industry;

6 (c) one two-year-term member representing
7 organized labor; and

8 (d) one two-year-term member appointed
9 from any one of the following entities: local welfare agencies;
10 public housing agencies; units of general local government or
11 consortia of those units who shall be appointed from nominations
12 made by chief elected officials of the units or consortia; state
13 and local programs that receive funding under an applicable
14 federal human resources program that the committee determines
15 have a direct interest in the use of human resources within the
16 state; and individuals that have special knowledge and
17 qualifications with respect to special education and career
18 development needs of hard-to-serve individuals.

19 C. A vacancy on the board shall be filled by an
20 appointment of a successor from the same general category of
21 representation as his predecessor. A member shall serve until
22 his successor is qualified.

23 D. The lieutenant governor is the chairman of the
24 board.

25 E. The board shall meet at the call of the chairman.

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

2 G. Appointed members who are not government employees
3 entitled to reimbursement by their respective employers shall be
4 paid pursuant to the Per Diem and Mileage Act.

5 H. The governor shall request two members from the
6 house of representatives and two members from the senate to
7 participate as advisory members of the board.

8 Section 2. DUTIES OF THE STATE WORK FORCE DEVELOPMENT
9 BOARD. --

10 A. The state work force development board shall review
11 and approve those parts of the annual plans of the following
12 cabinet departments pertaining to employment, training and
13 employment-related education and human services programs and
14 review the budget items of those parts of the plans: children,
15 youth and families department; economic development department;
16 human services department; labor department; and the state
17 department of public education.

18 B. The board shall develop and coordinate the
19 implementation of a ten-year comprehensive work force development
20 plan of specific goals, objectives and policies for the state.
21 This plan shall be updated annually and revised as necessary.
22 State agencies involved in work force development activities
23 shall submit their goals, objectives and policies to the board
24 for its annual review and potential inclusion in the plan. The
25 plan shall include recommendations to the legislature and the

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1 governor on the modification, consolidation, initiation and
2 coordination of work force training and education programs in the
3 state.

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

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

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

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

25 (3) review the provision of services and use of

1 funds and resources under applicable federal and state training,
 2 education and employment-related programs and advise the governor
 3 on methods of coordinating the provision of services and use of
 4 funds and resources consistent with the laws and regulations
 5 governing those programs;

6 (4) perform the duties and functions described for
 7 existing state councils described under laws relating to the
 8 applicable federal and state programs;

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

12 (6) identify policies to reduce administrative and
 13 other barriers to efficient operation of the state's work force
 14 development system, including among those policies provisions for
 15 waivers of statutory requirements and administrative rules for
 16 implementation of one-stop access to work force development
 17 systems; and

18 (7) upon enactment of new federal initiatives relating
 19 to work force development, advise the governor and the
 20 legislature on mechanisms for integrating the federal initiatives
 21 into the state's work force development system and make
 22 recommendations on legislative or administrative measures
 23 necessary to streamline and coordinate state efforts to meet
 24 federal guidelines.

25 Section 3. WORK FORCE DEVELOPMENT REGIONS-- REGIONAL BOARDS-

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1 - DUTIES AND RESPONSIBILITIES. --

2 A. The state work force development board shall
3 designate seven work force development regions in the state. The
4 designated regions shall be identical to the planning districts
5 established in the Planning District Act.

6 B. The board shall establish a regional work force
7 development board in each work force development region. A
8 regional work force development board shall:

9 (1) advise the state work force development board
10 on issues relating to regional and local work force development
11 needs;

12 (2) prepare annual regional work force development
13 plans for the implementation and promotion of employment, job
14 training and employment-related education and human resources
15 programs; and

16 (3) establish service delivery agreements among
17 regional service providers to coordinate employment, job training
18 and employment-related education and human resources programs at
19 the local level.

20 C. A regional work force development board shall have
21 a minimum of fifty-one percent of its members coming from the
22 private sector and shall include representation of education,
23 government and community-based organizations and others as
24 appropriate and shall be appointed or ratified by local elected
25 public officials.

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1 Section 4. **APPLICABLE HUMAN RESOURCES PROGRAM DEFINED. --**

2 A. As used in this section, "applicable human resources
3 program" means a program receiving federal funds that the
4 governor and the legislature agree to include within the purview
5 of the state work force development board.

6 B. **Applicable human resources programs:**

7 (1) include programs authorized pursuant to:

8 (a) the federal Job Training Partnership Act;

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

11 (c) the federal Adult Education Act;

12 (d) the federal Wagner Peyser Act;

13 (e) Part A of Title 4 of the federal Social
14 Security Act;

15 (f) the training portion of the federal
16 Personal Responsibility and Work Opportunity Reconciliation Act
17 of 1996;

18 (g) the federal Welfare to Work Act; and

19 (h) the federal School-to-Work Opportunities
20 Act of 1994; and

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

23 Section 5. **FUNDING-- PERSONNEL. --**

24 A. To carry out its functions, the state work force
25 development board may:

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

February 15, 1998

Mr. President:

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
whom has been referred

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 232

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

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SPAC/SB 232

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Roman M. Maes, III, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Fidel, Kidd, McKibben, Robinson

Absent: None

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