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HOUSE BILL 740

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Luciano "Lucky" Varela

AN ACT

CREATING THE STATE WORKFORCE DEVELOPMENT BOARD AND LOCAL
BOARDS; DEFINING THEIR POWERS AND DUTIES.

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

Section 1. SHORT TITLE.--This act may be cited as the
"Workforce Development Act".

Section 2. DEFINITIONS.--As used in the Workforce
Development Act:

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

B. "chief elected official" means the chief
elected executive officer of a unit of general local
government in a local area and in a case in which a local area
includes more than one unit of general local government,
"chief elected official" means the person designated pursuant

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1 to the federal Workforce Investment Act of 1998;

2 C. "job corps" means the job corps provided for in
3 the federal Workforce Investment Act of 1998;

4 D. "local board" means a local workforce
5 development board;

6 E. "person" means an individual; and

7 F. "representative of business" means the person:

8 (1) is an owner, chief executive or operating
9 officer of a business, or a business executive or employer
10 with optimum policymaking or hiring authority, or a member of
11 a local board;

12 (2) represents businesses with employment
13 opportunities that reflect the employment opportunities of the
14 state; and

15 (3) is appointed from among persons nominated
16 by state business organizations and business trade
17 associations.

18 Section 3. STATE WORKFORCE DEVELOPMENT BOARD. --

19 A. The "state workforce development board" is
20 created. The board consists of members as provided in the
21 federal Workforce Investment Act of 1998 as follows:

22 (1) the governor;

23 (2) the speaker of the house of
24 representatives shall appoint two members of the house of
25 representatives;

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1 (3) the president pro tempore shall appoint
2 two members from the senate; and

3 (4) the governor shall appoint:

4 (a) the secretary of economic
5 development;

6 (b) the secretary of human services;

7 (c) the secretary of labor;

8 (d) the superintendent of public
9 instruction;

10 (e) two representatives of business;

11 (f) two representatives of organized
12 labor nominated by organized labor;

13 (g) two chief elected officials;

14 (h) two representatives of
15 organizations that have special knowledge and experience of
16 youth training activities;

17 (i) two representatives of
18 organizations that have experience and expertise in the
19 delivery of workforce investment activities, including one
20 chief executive officer of a community college; and

21 (j) one community-based organization
22 that conducts training activities.

23 B. A majority of the board shall be
24 representatives of business. An individual member of the
25 board may represent more than one entity or category of

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1 membership.

2 C. A vacancy on the board shall be filled in the
3 same manner as regular appointments are made for the unexpired
4 portion of the regular term.

5 D. All terms shall be for four years.

6 E. A majority of the members of the board shall be
7 representatives of business who are owners of businesses,
8 chief executives or operating officers of businesses and other
9 business executives or employers with optimum policymaking or
10 hiring authority, including members of local boards.

11 F. The governor shall appoint one of the business
12 representatives as chairman of the board.

13 G. The board shall meet at the call of the
14 chairman.

15 H. A majority of the board members constitutes a
16 quorum.

17 I. Members are eligible to be paid pursuant to the
18 Per Diem and Mileage Act.

19 J. A member of the board may not vote on a matter
20 under consideration by the board relating to provision of
21 services by the member or by the entity the member represents,
22 or that would provide direct financial benefit to the member
23 or his immediate family, or that is an activity determined by
24 the governor to be a conflict of interest as provided in the
25 state plan prepared pursuant to the federal Workforce

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1 Investment Act of 1998.

2 Section 4. DUTIES OF THE BOARD. --

3 A. The board shall assist the governor to:

4 (1) develop a five-year state plan that shall
5 be updated annually and revised in accordance with the
6 requirements of the federal Workforce Investment Act of 1998;

7 (2) develop and improve the statewide
8 activities funded pursuant to the workforce investment system
9 and the one-stop delivery system, including development of
10 linkages to assure coordination and nonduplication among the
11 programs and activities described in the federal Workforce
12 Investment Act of 1998;

13 (3) review local plans;

14 (4) comment annually on the measures taken
15 pursuant to Section 113(b)(14) of the Carl D. Perkins
16 Vocational and Applied Technology Education Act;

17 (5) develop allocation formulas for adult and
18 youth employment and training activity funds to local areas in
19 accordance with the federal Workforce Investment Act of 1998;

20 (6) develop comprehensive state performance
21 measures to assess the effectiveness of workforce investment
22 activities pursuant to the federal Workforce Investment Act of
23 1998;

24 (7) designate local workforce development
25 areas;

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(8) develop the statewide employment statistics system; and

(9) prepare reports and applications required for submission to the federal government.

B. The board shall also:

(1) review and approve all workforce development activities conducted by all state agencies except those duties, programs and activities administered pursuant to Sections 22-2-1 through 22-2-6 NMSA 1978 and pursuant to the federal Rehabilitation Act of 1973;

(2) develop linkages with the state board of education to ensure coordination and nonduplication of vocational education, apprenticeship, adult education and vocational rehabilitation programs with other workforce development and training programs; and

(3) provide policy advice regarding the application of federal or state law that pertains to workforce development.

C. All state agencies involved in workforce development activities shall annually submit to the board for its review and potential inclusion in the five-year plan their goals, objectives and policies. The plan shall include recommendations to the legislature on the modification, consolidation, initiation or elimination of workforce training and education programs in the state.

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Section 5. LOCAL WORKFORCE DEVELOPMENT AREAS--LOCAL
BOARDS-- DUTIES AND RESPONSIBILITIES. --

A. The governor shall designate specified local
workforce development areas based on population and geographic
configuration and consistent with provisions of the federal
Workforce Investment Act of 1998 upon recommendation of the
board and consideration of needs expressed by chief elected
officials, business, labor and other interested parties.

B. The chief elected officials of each workforce
development area shall establish a local board and appoint
members based on the criteria established by the governor, the
board and the federal Workforce Investment Act of 1998.

C. Each local board shall:

- (1) advise the board on issues relating to
regional and local workforce development needs;
- (2) develop and submit to the board and
governor a local five-year workforce plan that shall be
updated and revised annually in accordance with requirements
of the federal Workforce Investment Act of 1998;
- (3) designate or certify one-stop program
operators in accordance with the federal Workforce Investment
Act of 1998;
- (4) terminate, for cause, the eligibility of
one-stop operators;
- (5) select and provide grants to youth

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1 activity providers in accordance with the federal Workforce
2 Investment Act of 1998;

3 (6) identify eligible training and intensive
4 service providers in accordance with the federal Workforce
5 Investment Act of 1998;

6 (7) develop a budget subject to the approval
7 of the chief elected official;

8 (8) develop and negotiate local performance
9 measurements as described in the federal Workforce Investment
10 Act of 1998 with the chief elected official and the governor;

11 (9) assist in development of an employment
12 statistics system;

13 (10) ensure linkages with economic
14 development activities;

15 (11) encourage employer participation and
16 assist employers in meeting hiring needs;

17 (12) in partnership with the chief elected
18 official, conduct oversight of local programs of youth
19 activities authorized pursuant to the federal Workforce
20 Investment Act of 1998 and employment and training activities
21 pursuant to that act, and the one-stop delivery system in the
22 local area;

23 (13) establish as a subgroup a youth council,
24 appointed by the local board in cooperation with the chief
25 elected official; and

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1 (14) prior to submission of the local plan,
2 provide information regarding the following:

- 3 (a) the local plan;
- 4 (b) membership;
- 5 (c) designation and certification of
6 one-step operators; and
- 7 (d) the award of grants or contract to
8 eligible providers of youth activities.

9 D. The local board shall be appointed in
10 accordance with criteria established by the governor with a
11 minimum of fifty-one percent of its members coming from the
12 private sector and shall include representation of education,
13 labor, government, economic development and community-based
14 organizations and others as appropriate and shall be appointed
15 or ratified by the local chief public official.

16 E. Nothing in the Workforce Development Act shall
17 be construed to provide a local board with the authority to
18 mandate curricula for schools.

19 Section 6. YOUTH COUNCILS--MEMBERSHIP--DUTIES.--

20 A. The membership of each youth council shall
21 include:

- 22 (1) members of the local board with interest
23 or expertise in youth policy; representatives of youth service
24 agencies, including juvenile justice and law enforcement
25 agencies; and representatives of local public housing;

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1 (2) parents of eligible youth seeking
2 assistance;

3 (3) persons, including former participants as
4 defined pursuant to the New Mexico Works Act, and
5 representatives of organizations, that have experience
6 relating to youth activities;

7 (4) representatives of job corps, as
8 appropriate; and

9 (5) other persons that the chairman of the
10 local board, in cooperation with the chief elected official,
11 determines to be appropriate.

12 B. Members of the youth council who are not
13 members of the local board shall be voting members of the
14 youth council and nonvoting members of the local board.

15 C. The duties of the youth council shall include:

16 (1) developing the portions of the local plan
17 relating to eligible youth, as determined by the chairman of
18 the local board;

19 (2) recommending eligible youth providers to
20 the local board;

21 (3) conducting oversight of eligible
22 providers of youth activities and coordinating youth
23 activities authorized pursuant to the federal Workforce
24 Investment Act of 1998 subject to the approval of the local
25 board; and

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1 (4) performing other duties as determined to
2 be appropriate by the chairman of the local board.

3 D. A member of a local board or youth council may
4 not vote on a matter under consideration by the local board
5 regarding the provision of services by the member or by an
6 entity that the member represents or that would provide direct
7 financial benefit to the member or the immediate family of the
8 member engaged in any activity determined by the governor to
9 constitute a conflict of interest as specified in the state
10 plan prepared pursuant to the federal Workforce Investment Act
11 of 1998.

12 Section 7. FUNDING-- PERSONNEL. --

13 A. To carry out its functions, the board may use
14 money available to the state pursuant to the federal Workforce
15 Investment Act of 1998. The labor department shall be the
16 fiscal agent for the board. The labor department may be the
17 fiscal agent for a local board.

18 B. Staff support for the board shall be provided
19 by each of the state agencies represented on the board.

20 Section 8. LEGISLATIVE POWERS. -- Any money received by
21 the state pursuant to the federal Workforce Investment Act of
22 1998 shall be subject to appropriation by the legislature
23 consistent with the terms and conditions required by that act.

24 Section 9. EFFECTIVE DATE. -- The effective date of the
25 provisions of this act is July 1, 2000.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 27, 1999
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8 Mr. Speaker:
9

10 Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
11 whom has been referred
12

13 HOUSE BILL 740
14

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

17 1. On page 3, line 10, strike "two" and after "business"
18 insert "to ensure that a majority of the members of the board
19 are representatives of business".
20

21 2. On page 3, lines 23 through 25, and on page 4, line 1,
22 strike Subsection B in its entirety.
23

24 3. Reletter the succeeding subsections accordingly.,
25

and thence referred to the APPROPRIATIONS AND FINANCE

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HGUAC/HB 740

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COMMI TTEE.

Respectfully submitted,

James G. Taylor, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

Excused: None

Absent: Mallory

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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4 March 3, 1999
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6
7 Mr. Speaker:
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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 740, as amended
12

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

16 1. On page 3, between lines 22 and 23 insert the
17 following new subsection:

18 "B. In making the appointments, the speaker of the
19 house, the president pro tempore and the governor shall consider
20 gender, ethnicity and geographic diversity."
21

22 2. Reletter succeeding subsections accordingly.
23

24 3. On page 6, line 6, strike "and approve".
25

4. On page 9, between lines 18 and 19, insert the

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HARC/HB 740, aa

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4 following subsection:

5
6 "F. A member of the local board may not vote on a
7 matter under consideration by the local board relating to
8 provision of services by the member or by the entity the member
9 represents, or that would provide direct financial benefit to
10 the member or his immediate family, or that is an activity
11 determined by the governor to be a conflict of interest as
12 provided in the state plan prepared pursuant to the federal
13 Workforce Investment Act of 1998."

14 Respectfully submitted,

15
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18 _____
19 Max Coll, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HARC/HB 740, aa

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4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 15 For 0 Against

11 Yes: 15

12 Excused: Abeyta, Larrañaga

13 Absent: None

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17 J:\99BillsWP\H0740

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FIRST SESSI ON, 1999

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March 11, 1999

Mr. Presi dent:

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
whom has been referred

HOUSE BILL 740, as amended

has had it under consideration and reports same with
recommen dation that it DO PASS, amended as follows:

1. Strike House Appropriations and Finance Committee
Amendment 3.

2. On page 6, strike lines 6 through 10 and insert in lieu
thereof:

"(1) review, evaluate and report annually on the
performance of all workforce development activities administered
by state agencies involved with workforce development;".,

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

SCORC/HB 740

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Respectfully submitted,

Roman M. Maes, Chairman

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

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FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

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SCORC/HB 740

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Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Aragon, McKibben, Robinson

Absent: None

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