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SENATE BILL 353

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

INTRODUCED BY

Linda M Lopez

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

CREATING THE STATE WORKFORCE DEVELOPMENT BOARD; DEFINING ITS
POWERS AND DUTIES; DECLARING AN EMERGENCY.

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

Section 1. STATE WORKFORCE DEVELOPMENT BOARD. --

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

B. The board consists of six members who hold
their membership positions on the board by virtue of their job
positions and twenty members appointed in accordance with
applicable federal statutes with respect to membership. The
six members holding membership by virtue of job title are the
lieutenant governor and five cabinet secretaries or heads of
state agencies who are responsible for the administration of
applicable human resource programs. The five agency members

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1 are department heads such as the secretary of children, youth
2 and families; the secretary of economic development; the
3 secretary of labor; the secretary of human services; and the
4 superintendent of public instruction. Of the twenty appointed
5 members, ten shall be appointed by the governor, five shall be
6 appointed by the speaker of the house of representatives and
7 five shall be appointed by the committees' committee of the
8 senate or, if the appointments are made in the interim, by the
9 president pro tempore of the senate after consultation with
10 and agreement of a majority of the members of the committees'
11 committee.

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

13 (a) one two-year-term member
14 representing local public education, who is a teacher,
15 administrator or board member of a public school district;

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

19 (c) six two-year-term members appointed
20 from persons representative of business and industry; and

21 (d) two two-year-term members
22 representing organized labor.

23 (2) The speaker of the house's appointees
24 shall be:

25 (a) one two-year-term member

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1 representing local public education, who is a teacher,
2 administrator or board member of a public school district;
3 (b) one two-year-term member who is a
4 faculty member, administrator or board of regent member of a
5 post-secondary institution;
6 (c) two two-year-term members appointed
7 from persons representative of business and industry; and
8 (d) one two-year-term member
9 representing organized labor.
10 (3) The senate committees' committee's
11 appointees shall be:
12 (a) one two-year-term member who is a
13 staff member or volunteer from a nonprofit community-based
14 organization;
15 (b) two two-year-term members appointed
16 from persons representative of business and industry;
17 (c) one two-year-term member
18 representing organized labor; and
19 (d) one two-year-term member appointed
20 from any one of the following entities: 1) local welfare
21 agencies; 2) public housing agencies; 3) units of general
22 local government or consortia of such units who shall be
23 appointed from nominations made by the chief elected officials
24 of the units or consortia; 4) state or local programs that
25 receive funding under an applicable federal human resources

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1 program that the committee determines have a direct interest
2 in the use of human resources within the state; and 5)
3 individuals who have special knowledge and qualifications with
4 respect to special education and career development needs of
5 hard-to-serve individuals.

6 C. A vacancy on the board shall be filled by an
7 appointment of a successor from the same general category of
8 representation as his predecessor. A member shall serve until
9 his successor is qualified.

10 D. The lieutenant governor shall serve as the
11 chairman of the board.

12 E. The board shall meet at the call of the
13 chairman.

14 F. A majority of the members constitutes a quorum.

15 G. Appointed members of the board are eligible for
16 payment pursuant to the Per Diem and Mileage Act.

17 Section 2. DUTIES OF THE STATE WORKFORCE DEVELOPMENT
18 BOARD. --

19 A. As used in this section, "board" means the
20 state workforce development board.

21 B. The board shall review and approve those parts
22 of the annual plans of the following agencies' programs
23 pertaining to employment, training and employment-related
24 education and human resource programs and review the budget
25 items of those parts of the plans:

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- 1 (1) children, youth and families department;
- 2 (2) economic development department;
- 3 (3) human services department;
- 4 (4) labor department; and
- 5 (5) the state department of public education.

6 C. The board shall develop and coordinate the
7 implementation of a ten-year comprehensive work force
8 development plan of specific goals, objectives and policies
9 for the state. This plan shall be updated annually and
10 revised as necessary. All state agencies involved in work
11 force development activities shall annually submit to the
12 board for its review and potential inclusion in the plan their
13 goals, objectives and policies. The plan shall include
14 recommendations to the legislature and the governor on the
15 modification, consolidation, initiation or elimination of work
16 force training and education programs in the state.

17 D. The board shall prepare a five-year strategic
18 plan for state work force development to implement the
19 specific comprehensive goals, objectives and policies of the
20 state. All state agencies involved in work force development
21 activities and regional workforce advisory boards shall
22 annually submit to the board for its review and potential
23 inclusion in the strategic plan their strategic plans and
24 programs. The five-year strategic plan for state work force
25 development shall be updated annually. The plan shall include

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1 recommendations to the legislature and the governor on the
2 modification, consolidation, initiation or elimination of work
3 force training and education programs in the state.

4 E. In addition to its responsibilities pursuant to
5 Subsections B and C of this section, the board shall:

6 (1) develop a method of evaluation for
7 attainment of goals and objectives from pursuing the policies
8 of the five-year and ten-year plans that shall include a
9 system to measure program performance, identify
10 accomplishments and evaluate programs to ensure goals and
11 standards are met;

12 (2) monitor the implementation and evaluate
13 the effectiveness of the five-year and ten-year plans;

14 (3) review the provision of services and use
15 of funds and resources under applicable federal human resource
16 programs and advise the governor on methods of coordinating
17 the provision of services and use of funds and resources
18 consistent with the laws and rules governing those programs;

19 (4) perform the duties and functions
20 prescribed for existing state councils described under the
21 laws relating to the applicable federal human resource
22 programs;

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

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1 (6) identify policies to reduce
2 administrative and other barriers to efficient operation of
3 the state's work force development system, including among
4 these policies provisions for waivers of statutory
5 requirements and administrative rules for implementation of
6 one-stop access to work force development services and school-
7 to-work transition;

8 (7) upon enactment of new federal initiatives
9 relating to work force development, advise the governor and
10 legislature on mechanisms for integrating the federal
11 initiatives into the state's work force development system and
12 make recommendations on legislative or administrative measures
13 necessary to streamline and coordinate state efforts to meet
14 federal guidelines; and

15 (8) establish one-stop delivery systems
16 through which any person may:

17 (a) explore work preparation and career
18 development services;

19 (b) access a range of employment,
20 training and adult and occupational education programs that
21 are required to make their services available through the one-
22 stop center or related electronic system; and

23 (c) access any other available programs.

24 Section 3. WORKFORCE DEVELOPMENT REGIONS-- REGIONAL
25 BOARDS-- DUTIES AND RESPONSIBILITIES. --

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

5 B. The board shall establish a regional workforce
6 development board in each workforce development region. A
7 regional workforce development board shall:

8 (1) advise the state workforce development
9 board on issues relating to regional and local workforce
10 development needs;

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

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

19 C. A regional workforce development board shall
20 have a minimum of fifty-one percent of its members coming from
21 the private sector and shall reflect the same composition
22 proportionately as the state workforce development board and
23 shall be appointed or ratified by local elected public
24 officials.

25 Section 4. APPLICABLE FEDERAL HUMAN RESOURCES PROGRAM

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1 **DEFINED. --**

2 A. As used in this section, "applicable federal
3 human resources program" means any program receiving federal
4 funds that the governor and the head of the state agency
5 responsible for the administration of that program jointly
6 agree to include within the jurisdiction of the state
7 workforce development board.

8 B. With respect to a program authorized pursuant
9 to the federal Carl D. Perkins Vocational and Applied
10 Technology Education Act, an applicable federal human
11 resources program applies only to the program if, in addition
12 to meeting the requirements of Subsection A of this section,
13 the state advisory council on vocational education agrees to
14 include the program under the jurisdiction of the board.

15 C. Applicable federal human resources programs:

16 (1) may include programs authorized pursuant
17 to:

18 (a) the federal Job Training
19 Partnership Act;

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

22 (c) the federal Adult Education Act;

23 (d) the federal Wagner-Peyser Act;

24 (e) Part A of Title 4 of the federal
25 Social Security Act; or

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1 (f) the employment program established
2 pursuant to Section 6 (3)(4) of the Food Stamp Act of 1977;
3 and

4 (2) shall not include programs authorized
5 pursuant to the federal Rehabilitation Act of 1973.

6 Section 5. FUNDING-- PERSONNEL. --

7 A. In order to carry out its functions, the state
8 workforce development board may:

9 (1) use funds otherwise available for state
10 councils pursuant to the applicable federal human resources
11 programs consistent with the laws and regulations governing
12 those programs; and

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

16 B. Staff support for the state workforce
17 development board shall be provided by the labor department.

18 Section 6. LEGISLATIVE POWERS. --

19 A. Pursuant to the federal Workforce Investment
20 Act of 1998, the legislature may enact legislation for the
21 implementation of the activities provided for in the federal
22 act.

23 B. Any funds received by the state pursuant to the
24 federal Workforce Investment Act of 1998 shall be subject to
25 appropriation by the legislature consistent with the terms and

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1 conditions required by the federal Workforce Investment Act of
2 1998.

3 Section 7. EMERGENCY.--It is necessary for the public
4 peace, health and safety that this act take effect
5 immediately.