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SENATE BILL 577

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

INTRODUCED BY

Shannon Robinson

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; and

6 E. "person" means an individual.

7 Section 3. STATE WORKFORCE DEVELOPMENT BOARD. --

8 A. The "state workforce development board" is
9 created. The board consists of members as provided in the
10 federal Workforce Investment Act of 1998.

11 B. An individual member of the board may represent
12 more than one entity or category of membership.

13 C. A vacancy on the board shall be filled in the
14 same manner as regular appointments are made for the unexpired
15 portion of the regular term.

16 D. All terms shall be for four years.

17 E. A majority of the members of the board shall be
18 representatives of business who are owners of businesses,
19 chief executives or operating officers of businesses and other
20 business executives or employers with optimum policymaking or
21 hiring authority, including members of local boards.

22 F. The governor shall appoint one of the business
23 representatives as chairman of the board.

24 G. The board shall meet at the call of the
25 chairman.

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1 H. A majority of the board members constitutes a
2 quorum.

3 I. Members are eligible to be paid pursuant to the
4 Per Diem and Mileage Act.

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

13 Section 4. DUTIES OF THE BOARD. --

14 A. The board shall assist the governor to:

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

18 (2) develop and improve the statewide
19 activities funded pursuant to the workforce investment system
20 and the one-stop delivery system, including development of
21 linkages to assure coordination and non-duplication among the
22 programs and activities described in the federal Workforce
23 Investment Act of 1998;

24 (3) review local plans;

25 (4) comment annually on the measures taken

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1 pursuant to Section 113(b)(14) of the Carl D. Perkins
2 Vocational and Applied Technology Education Act;

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

6 (6) develop comprehensive state performance
7 measures to assess the effectiveness of workforce investment
8 activities pursuant to the federal Workforce Investment Act of
9 1998;

10 (7) designate local workforce development
11 areas;

12 (8) develop the statewide employment
13 statistics system; and

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

16 B. The board shall also:

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

22 (2) develop linkages with the state board of
23 education to ensure coordination and nonduplication of
24 vocational education, apprenticeship, adult education and
25 vocational rehabilitation programs with other workforce

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1 development and training programs; and

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

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

12 Section 5. LOCAL WORK FORCE DEVELOPMENT AREAS-- LOCAL
13 BOARDS-- DUTIES AND RESPONSIBILITIES. --

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

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

24 C. Each local board shall:

25 (1) advise the board on issues relating to

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1 regional and local workforce development needs;

2 (2) develop and submit to the board and
3 governor a local five-year work force plan that shall be
4 updated and revised annually in accordance with requirements
5 of the federal Workforce Investment Act of 1998;

6 (3) designate or certify one-stop program
7 operators in accordance with the federal Workforce Investment
8 Act of 1998;

9 (4) terminate, for cause, the eligibility of
10 one-stop operators;

11 (5) select and provide grants to youth
12 activity providers in accordance with the federal Workforce
13 Investment Act of 1998;

14 (6) identify eligible training and intensive
15 service providers in accordance with the federal Workforce
16 Investment Act of 1998;

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

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

22 (9) assist in development of an employment
23 statistics system;

24 (10) ensure linkages with economic
25 development activities;

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1 (11) encourage employer participation and
2 assist employers in meeting hiring needs;

3 (12) in partnership with the chief elected
4 official, conduct oversight of local programs of youth
5 activities authorized pursuant to the federal Workforce
6 Investment Act of 1998 and employment and training activities
7 pursuant to that act, and the one-stop delivery system in the
8 local area;

9 (13) establish as a subgroup a youth council,
10 appointed by the local board in cooperation with the chief
11 elected official; and

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

- 14 (a) the local plan;
- 15 (b) membership;
- 16 (c) designation and certification of
17 one-step operators; and
- 18 (d) the award of grants or contract to
19 eligible providers of youth activities.

20 D. The local board shall be appointed in
21 accordance with criteria established by the governor with a
22 minimum of fifty-one percent of its members coming from the
23 private sector and shall include representation of education,
24 labor, government, economic development and community-based
25 organizations and others as appropriate and shall be appointed

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1 or ratified by the local chief public official.

2 E. Nothing in the Workforce Development Act shall
3 be construed to provide a local board with the authority to
4 mandate curricula for schools.

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

6 A. The membership of each youth council shall
7 include:

8 (1) members of the local board with interest
9 or expertise in youth policy; representatives of youth service
10 agencies, including juvenile justice and law enforcement
11 agencies; and representatives of local public housing;

12 (2) parents of eligible youth seeking
13 assistance; and

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

18 (4) representatives of job corps, as
19 appropriate; and

20 (5) other persons that the chairman of the
21 local board, in cooperation with the chief elected official,
22 determines to be appropriate.

23 B. Members of the youth council who are not
24 members of the local board shall be voting members of the
25 youth council and nonvoting members of the local board.

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- 1 C. The duties of the youth council shall include:
- 2 (1) developing the portions of the local plan
- 3 relating to eligible youth, as determined by the chairman of
- 4 the local board;
- 5 (2) recommending eligible youth providers to
- 6 the local board;
- 7 (3) conducting oversight of eligible
- 8 providers of youth activities and coordinating youth
- 9 activities authorized pursuant to the federal Workforce
- 10 Investment Act of 1998 subject to the approval of the local
- 11 board; and
- 12 (4) performing other duties as determined to
- 13 be appropriate by the chairman of the local board.

14 D. A member of a local board or youth council may

15 not vote on a matter under consideration by the local board

16 regarding the provision of services by the member or by an

17 entity that the member represents or that would provide direct

18 financial benefit to the member or the immediate family of the

19 member engaged in any activity determined by the governor to

20 constitute a conflict of interest as specified in the state

21 plan prepared pursuant to the federal Workforce Investment Act

22 of 1998.

23 Section 7. FUNDING-- PERSONNEL. --

24 A. To carry out its functions, the board may use

25 money available to the state pursuant to the federal Workforce

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1 Investment Act of 1998. The labor department shall be the
2 fiscal agent for the board. The labor department may be the
3 fiscal agent for a local board.

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

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

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

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 3, 1999

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8 Mr. President:

9
10 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
11 whom has been referred

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13 SENATE BILL 577

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

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19 Respectfully submitted,

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25 Roman M. Maes, Chairman

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1 Adopted _____ Not

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10 The roll call vote was 6 For 0 Against

11 Yes: 6

12 No: 0

13 Excused: Aragon, Fidel, Kysar, McKibben

14 Absent: None

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