

AN ACT

RELATING TO APPRENTICESHIPS; AMENDING THE APPRENTICESHIP ASSISTANCE ACT; MOVING THE FUNCTIONS, APPROPRIATIONS, MONEY, CONTRACTUAL OBLIGATIONS AND OTHER PROPERTY, POWERS AND DUTIES RELATED TO THE ADMINISTRATION AND OVERSIGHT OF THE APPRENTICESHIP ASSISTANCE ACT FROM THE INSTRUCTIONAL SUPPORT AND VOCATIONAL EDUCATION DIVISION OF THE PUBLIC EDUCATION DEPARTMENT TO THE WORKFORCE SOLUTIONS DEPARTMENT; CHANGING THE MEMBERSHIP OF THE APPRENTICESHIP AND TRAINING ADVISORY COMMITTEE.

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

SECTION 1. Section 21-19A-1 NMSA 1978 (being Laws 1992, Chapter 93, Section 1) is amended to read:

"21-19A-1. SHORT TITLE.--Chapter 21, Article 19A NMSA 1978 may be cited as the "Apprenticeship Assistance Act"."

SECTION 2. Section 21-19A-2 NMSA 1978 (being Laws 1992, Chapter 93, Section 2) is amended to read:

"21-19A-2. PURPOSE.--The purpose of the Apprenticeship Assistance Act is to assist apprenticeship programs that will develop skilled craftsmen in occupations recognized by the office of apprenticeship and the state apprenticeship agency to accommodate the social and economic needs of the adult citizens of New Mexico and to enhance the economic development of the state."

SECTION 3. Section 21-19A-3 NMSA 1978 (being Laws 1992, Chapter 93, Section 3) is amended to read:

"21-19A-3. DEFINITIONS.--As used in the Apprenticeship Assistance Act:

A. "advisory committee" means the apprenticeship and training advisory committee to the division;

B. "apprentice" means a person at least sixteen years of age who is approved by the council and is covered by a written agreement with an employer or with an association of employers or employees acting as agent for an employer, which written agreement provides for reasonably continuous employment of the person for not less than two thousand hours in the given trade in which that person is apprenticed in an approved schedule of work experience and for at least one hundred forty-four hours per year of related and supplemental instruction;

C. "apprenticeship committee" means the sponsoring committee of each apprenticeable craft that is responsible for that particular apprenticeship program;

D. "apprenticeship-related instruction" means skills taught off the job that are required by the particular apprenticeable craft and that the apprentice needs to complete the apprenticeship as required by the state apprenticeship agency and the office of apprenticeship;

E. "department" means the workforce solutions

department;

F. "division" means the labor relations division of the department;

G. "office of apprenticeship" means the office of apprenticeship of the employment and training administration of the United States department of labor;

H. "related instruction" means organized, off-the-job instruction in theoretical or technical subjects required for the completion of an apprenticeship for a particular apprenticeable trade;

I. "state apprenticeship agency" means the state apprenticeship agency within the department; and

J. "supplementary instruction" means new or upgrading skill training for those already employed as journeymen craftsmen."

SECTION 4. Section 21-19A-4 NMSA 1978 (being Laws 1992, Chapter 93, Section 4) is amended to read:

"21-19A-4. APPRENTICESHIP COMMITTEE--DUTIES.--The apprenticeship committee for each apprenticeship training program shall:

A. establish standards and goals for related instruction for apprentices in the program and supplementary instruction for journeymen;

B. establish rules governing on-the-job training and other instruction for apprentices in the program;

C. plan and organize instructional materials designed to provide technical and theoretical knowledge and basic skills required by apprentices in the program;

D. select qualified instructors for the program;

E. monitor and evaluate the performance and progress of each apprentice in the program and the program as a whole;

F. interview applicants and select those who meet the criteria developed by the apprenticeship committee;

G. provide for the keeping and reporting of apprentice, program and fiscal data as required by the United States department of education; and

H. perform any other duties that promote the goals of individual apprentices and of the program as a whole."

SECTION 5. Section 21-19A-5 NMSA 1978 (being Laws 1992, Chapter 93, Section 5) is amended to read:

"21-19A-5. CRITERIA FOR APPRENTICESHIP PROGRAMS.--

A. An apprenticeship program shall be registered by the state apprenticeship agency or the office of apprenticeship.

B. An apprenticeship program shall be under the direction of an apprenticeship committee and structured according to Title 29, Part 29 of the Code of Federal Regulations. Committee members are appointed by one or more employers of apprentices, one or more employee representatives

of an apprenticeable trade or a combination of the above. If an apprenticeship committee is composed of representatives of one or more employers and one or more employee representatives, the number of committee members designated by the employers shall be equal to the number of committee members designated by the employee representatives.

C. Each apprentice participating in a program shall have signed a written apprenticeship agreement with the apprenticeship committee stating the standards and conditions of employment and training, which standards shall conform substantially with the standards of apprenticeship as registered by the state apprenticeship agency or the office of apprenticeship."

SECTION 6. Section 21-19A-7 NMSA 1978 (being Laws 1992, Chapter 93, Section 7) is amended to read:

"21-19A-7. APPRENTICESHIP AND TRAINING ADVISORY COMMITTEE.--

A. The division shall appoint an apprenticeship and training advisory committee composed of nine voting members who shall be New Mexico residents. The members shall be as follows:

(1) two persons representing employers of members of apprenticeable trades;

(2) two persons representing organized labor for members of apprenticeable trades;

(3) two persons employed as full-time training directors or program administrators of apprenticeship committees;

(4) two persons employed by New Mexico educational entities who teach or immediately supervise preparatory instruction, supplementary instruction or related instruction courses; and

(5) the state apprenticeship director of the department, who shall serve as chair.

B. Members of the advisory committee shall serve terms of four years, except that the division shall designate one member from each of the groups referred to in Paragraphs (1) through (4) of Subsection A of this section to serve an initial term of two years. Thereafter, all members shall serve four-year terms.

C. Vacancies shall be filled for the unexpired portion of a term vacated.

D. Nonvoting members of the advisory committee shall include the following:

(1) two persons designated by and representing the New Mexico college and university system of vocational education;

(2) one person designated by and representing the office of apprenticeship; and

(3) one person representing the general

public who is familiar with the goals and needs of technical-vocational education in New Mexico and who is not otherwise eligible for service on the advisory committee.

E. The member of the advisory committee representing the general public shall be appointed by the division for a term of four years. All other nonvoting members of the advisory committee shall serve at the pleasure of the agency or institution each respective member represents.

F. The advisory committee shall meet on an annual basis or at the call of the chair.

G. The members of the advisory committee shall be subject to such laws and practices as are applicable to the service and compensation of employees of the state. Members of the advisory committee not otherwise compensated by public funds shall be reimbursed for their official duties in accordance with the Per Diem and Mileage Act for attendance at not in excess of twelve meetings per year."

SECTION 7. Section 21-19A-8 NMSA 1978 (being Laws 1992, Chapter 93, Section 8) is amended to read:

"21-19A-8. DUTIES OF ADVISORY COMMITTEE.--The advisory committee shall provide input into the development of a statewide plan for a comprehensive program of apprenticeship training, which shall include but not be limited to the following:

A. formulas and administrative procedures to be used in requesting appropriations of state funds for apprenticeship training;

B. forms, formulas and administrative procedures to be used in distributing available funds to apprenticeship training programs, with the formulas based on data contained in the update to the apprenticeship-related instruction cost study required by Section 21-19A-10 NMSA 1978, and the formulas shall be uniform in application to all program sponsors; and

C. the content and method of the public notice required by the Apprenticeship Assistance Act."

SECTION 8. Section 21-19A-12 NMSA 1978 (being Laws 1992, Chapter 93, Section 12) is amended to read:

"21-19A-12. BUDGET--DISBURSEMENT AND APPROPRIATION.--

A. For the first two years after the effective date of the Apprenticeship Assistance Act, the division shall disburse funds for each apprenticeship committee, taking into account the number of total monthly contact hours and based on one dollar fifty cents (\$1.50) per participant contact hour of related instruction, not to exceed two hundred twenty hours per participant per year. Thereafter, funds shall be distributed in accordance with Section 21-19A-10 NMSA 1978.

B. The division shall require from the apprenticeship committees such reports as it deems necessary

for the purpose of determining the number of total monthly contact hours.

C. Funds appropriated under the Apprenticeship Assistance Act shall be disbursed by the division, and the division shall have sole control over the disbursement of those funds; provided, however, that the division shall not fund any apprenticeship committee not certified by the state apprenticeship agency or the office of apprenticeship."

SECTION 9. Section 21-19A-13 NMSA 1978 (being Laws 1992, Chapter 93, Section 13) is amended to read:

"21-19A-13. STATUS OF RECOMMENDATIONS.--

A. Recommendations of the advisory committee submitted to the division shall be acted on and either accepted or rejected.

B. A recommendation that is rejected shall be returned immediately to the advisory committee accompanied by written notice of the reasons for rejecting the recommendation. Upon such notice, the division and the advisory committee shall meet within fifteen days to resolve the issue, but if no resolution of the recommendation is made, then the secretary of workforce solutions shall decide the matter. The secretary's decision shall be final."

SECTION 10. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS, MONEY, PROPERTY AND CONTRACTS.--On July 1, 2014:

A. all functions, appropriations, money, files,

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