

1 SENATE BILL 175

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 Tim Keller

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10 AN ACT

11 RELATING TO IN-PLANT TRAINING; MAKING DEVELOPMENT TRAINING
12 PROGRAMS AVAILABLE TO NATIVE NEW MEXICANS AND PERSONS EDUCATED
13 IN NEW MEXICO.

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

16 Section 1. Section 21-19-7 NMSA 1978 (being Laws 1983,
17 Chapter 299, Section 1, as amended) is amended to read:

18 "21-19-7. DEVELOPMENT TRAINING.--

19 A. The economic development department shall
20 establish a development training program that provides
21 quick-response classroom training, in-plant training and skill-
22 enhancement training to furnish qualified ~~manpower~~ work force
23 resources for new or expanding industries, nonretail service
24 sector businesses and film and multimedia production companies
25 in New Mexico that have business or production procedures that

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1 require skills unique to those industries. Training shall be
2 custom designed for, and based on the special requirements of,
3 each company or preemployment training program for the film and
4 multimedia industry. The program shall be operated on a
5 statewide basis and shall be designed to assist any area in
6 becoming more competitive economically.

7 B. There is created the "industrial training board"
8 composed of:

9 (1) the director of the economic development
10 division of the economic development department;

11 (2) the director of the instructional support
12 and vocational education division of the public education
13 department;

14 (3) the [~~director of the governor's office of~~
15 ~~workforce training and development~~] secretary of workforce
16 solutions or the secretary's designee;

17 (4) the [~~executive director of the commission~~
18 ~~on~~] secretary of higher education;

19 (5) an employee of the workforce solutions
20 department [~~of labor~~];

21 (6) one member from organized labor appointed
22 by the governor; and

23 (7) one public member from the business
24 community appointed by the governor.

25 C. The industrial training board shall establish

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1 policies and promulgate rules for the administration of
2 appropriated funds and shall provide review and oversight to
3 assure that funds expended from the development training fund
4 will generate business activity and give measurable growth to
5 the economic base of New Mexico within the legal limits while
6 preserving the ecological state of New Mexico and its people.

7 D. Subject to the approval of the industrial
8 training board, the economic development division of the
9 economic development department shall:

- 10 (1) administer all funds allocated or
11 appropriated for industrial development training purposes;
- 12 (2) provide designated training services;
- 13 (3) regulate, control and abandon any training
14 program established under the provisions of this section;
- 15 (4) assist companies requesting training in
16 the development of a training proposal to meet the companies'
17 [~~manpower~~] work force needs;
- 18 (5) contract for the implementation of all
19 training programs;
- 20 (6) provide for training by educational
21 institutions or by a company through in-plant training, at that
22 company's request; and
- 23 (7) evaluate training efforts on a basis of
24 performance standards set forth by the industrial training
25 board.

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1 E. The instructional support and vocational
2 education division of the public education department shall
3 provide technical assistance to the economic development
4 department concerning the development of agreements, the
5 determination of the most appropriate instructional training to
6 be provided and the review of training program implementation.

7 F. Except as provided in Section 21-19-7.1 NMSA
8 1978 for film and multimedia production companies and
9 preemployment training programs for that industry, the state
10 shall contract with a company or an educational institution to
11 provide training or instructional services in accordance with
12 the approved training proposal and within the following
13 limitations:

14 (1) payment shall not be made for training in
15 excess of one thousand forty hours of training per trainee for
16 the total duration of training;

17 (2) training applicants shall have been born
18 or educated in New Mexico or shall have resided within the
19 state for a minimum of one year at any time prior to the
20 commencement of the training program and be of legal status for
21 employment;

22 (3) payment for institutional classroom
23 training shall be made pursuant to any accepted training
24 contract for a qualified training program;

25 (4) payment shall not be made pursuant to any

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1 accepted training contract for rental of facilities unless
2 facilities are not available on site or at the educational
3 institution;

4 (5) all applicants shall be eligible under the
5 federal Fair Labor Standards Act of 1938, as amended, and shall
6 not have terminated a public school program within the past
7 three months except by graduation;

8 (6) trainees shall be guaranteed full-time
9 employment with the contracted company upon successful
10 completion of the training;

11 (7) persons employed to provide the
12 instructional services shall be exempt from the minimum
13 requirements established in the state plan for other state
14 vocational programs;

15 (8) payment shall not be made for training
16 programs or production of Indian jewelry or imitation Indian
17 jewelry unless a majority of those involved in the training
18 program or production are of Indian descent; and

19 (9) if a company hires twenty or more
20 trainees, payment shall not be made for training in a
21 municipality having a population of more than forty thousand
22 according to the most recent decennial census or a class A
23 county unless the company:

24 (a) offers its employees and their
25 dependents health insurance coverage that is in compliance with

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1 the New Mexico Insurance Code; and

2 (b) contributes not less than fifty
3 percent of the premium for the health insurance for those
4 employees who choose to enroll; provided that the fifty percent
5 employer contribution shall not be a requirement for the
6 dependent coverage that is offered."

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