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HOUSE BILL 919

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO DEVELOPMENT TRAINING; ALLOWING FILM PRODUCTION COMPANIES TO QUALIFY FOR IN-PLANT TRAINING FUNDS; PROVIDING FOR AN EXPEDITED TRAINING APPROVAL PROCESS FOR FILM PRODUCTION COMPANIES.

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

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

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

A. The economic development department shall establish a development training program that provides quick-response classroom and in-plant training to furnish qualified manpower resources for new or expanding industries, ~~and~~ non-retail service sector businesses in New Mexico and film production companies that have business or production

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1 procedures that require skills unique to those industries.  
2 Training shall be custom designed for, [~~the particular company~~]  
3 and [~~shall be~~] based on the special requirements of, each  
4 company. The program shall be operated on a statewide basis  
5 and shall be designed to assist any area in becoming more  
6 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 vocational education  
12 division of the state department of public education;

13 (3) the director of the job training division  
14 of the labor department;

15 (4) the executive director of the commission  
16 on higher education;

17 (5) one member from organized labor appointed  
18 by the governor; and

19 (6) one public member from the business  
20 community appointed by the governor.

21 C. The industrial training board shall establish  
22 policies and promulgate rules [~~and regulations~~] for the  
23 administration of appropriated funds and shall provide review  
24 and oversight to assure that funds expended from the  
25 development training fund [~~will~~] generate business activity and

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1 give measurable growth to the economic base of New Mexico  
2 within the legal limits preserving the ecological state of New  
3 Mexico and its people.

4 D. Subject to the approval of the industrial  
5 training board, the economic development division of the  
6 economic development department shall:

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

23 E. The vocational education division of the state  
24 department of public education shall provide technical  
25 assistance to the economic development department concerning

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1 the development of agreements, the determination of the most  
2 appropriate instructional training to ~~provide~~ be provided and  
3 the review of training program implementation.

4 F. The state shall contract with a company or an  
5 educational institution to provide training or instructional  
6 services in accordance with the approved training proposal and  
7 within the following limitations:

8 (1) no payment shall be made for training in  
9 excess of one thousand forty hours of training per trainee for  
10 the total duration of training;

11 (2) training applicants shall have resided  
12 within the state for a minimum of one year immediately prior to  
13 the commencement of the training program and be of legal status  
14 for employment; provided, however, that prior to July 1, 2004  
15 the residency requirements may be waived in part for projects  
16 within New Mexico communities located within fifty miles of the  
17 state border if the project meets the following criteria:

18 (a) the project will employ more than  
19 one thousand five hundred employees;

20 (b) the resident labor force within a  
21 fifty-mile radius of the project location is not sufficient to  
22 fill the full-time-equivalent position requirements of the  
23 project as determined by the labor department;

24 (c) preference for training shall be  
25 given to New Mexico residents; and

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1 (d) no less than fifty percent of the  
2 project's work force shall be residents of New Mexico;

3 (3) payment for institutional classroom  
4 training shall be made [~~under~~] pursuant to any accepted  
5 training contract for a qualified training program;

6 (4) no payment shall be made [~~under~~] pursuant  
7 to any accepted training contract for rental of facilities  
8 unless facilities are not available on site or at the  
9 educational institution;

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

14 (6) trainees shall be guaranteed full-time  
15 employment with the contracted company upon successful  
16 completion of the training;

17 (7) persons employed to provide the  
18 instructional services shall be exempt from the minimum  
19 requirements established in the state plan for other state  
20 vocational programs; and

21 (8) no payment shall be made for training  
22 programs or production of Indian jewelry or imitation Indian  
23 jewelry unless a majority of those involved in the training  
24 program or production are of Indian descent.

25 G. The industrial training board shall promulgate

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1 rules for qualifications for development funding by film  
2 production companies and an expedited process for approving  
3 training for film production companies."

4 Section 2. EFFECTIVE DATE. --The effective date of the  
5 provisions of this act is July 1, 2003.

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