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HOUSE BILL 312

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

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO DEVELOPMENT TRAINING; CHANGING THE MEMBERSHIP OF
THE INDUSTRIAL TRAINING BOARD AND PROVIDING FOR DESIGNEES;
CHANGING REQUIREMENTS CONCERNING THE DISTRIBUTION OF
DEVELOPMENT TRAINING FUNDS TO NONURBAN COMMUNITIES; DECLARING
AN EMERGENCY.

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 training, in-plant training and skill-
enhancement training to furnish qualified ~~manpower~~ work force
resources for new or expanding industries, nonretail service

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

9 B. There is created the "industrial training board"
10 composed of:

11 (1) the director of the economic development
12 division of the economic development department or the
13 director's designee;

14 (2) the director of the instructional support
15 and vocational education division of the public education
16 department or the director's designee;

17 (3) the director of the [~~governor's office of~~
18 ~~workforce training and development~~] business services division
19 of the workforce solutions department or the director's
20 designee;

21 (4) the [~~executive director of the commission~~
22 ~~on~~] secretary of higher education or the secretary's designee;

23 [~~(5) an employee of the department of labor;~~

24 ~~(6)] (5) one member from organized labor~~

25 appointed by the governor; and

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1 [~~7~~] (6) one public member from the business
2 community appointed by the governor.

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

10 D. Subject to the approval of the industrial
11 training board, the economic development division of the
12 economic development department shall:

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

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1 (7) evaluate training efforts on a basis of
2 performance standards set forth by the industrial training
3 board.

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

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

17 (1) payment shall not be made for training in
18 excess of one thousand forty hours of training per trainee for
19 the total duration of training;

20 (2) training applicants shall have resided
21 within the state for a minimum of one year at any time prior to
22 the commencement of the training program and be of legal status
23 for employment;

24 (3) payment for institutional classroom
25 training shall be made pursuant to any accepted training

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1 contract for a qualified training program;

2 (4) payment shall not be made pursuant to any
3 accepted training contract for rental of facilities unless
4 facilities are not available on site or at the educational
5 institution;

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

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

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

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

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

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1 (a) offers its employees and their
2 dependents health insurance coverage that is in compliance with
3 the New Mexico Insurance Code; and

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

9 Section 2. Section 21-19-13 NMSA 1978 (being Laws 2005,
10 Chapter 102, Section 3) is amended to read:

11 "21-19-13. DISTRIBUTIONS OF DEVELOPMENT TRAINING FUNDS.--

12 A. ~~[Of appropriations made in any fiscal year for~~
13 ~~development training, up to two-thirds shall be expended in~~
14 ~~urban communities in the state.]~~ At least one-third of the
15 ~~[appropriations made]~~ total number of development training
16 projects approved in any fiscal year shall be for development
17 training ~~[shall be expended]~~ in nonurban communities.

18 B. Of money available in the development training
19 fund, the economic development department may use in any fiscal
20 year:

21 (1) up to fifty thousand dollars (\$50,000) to
22 generally administer the development training program; and

23 (2) in addition to the general administration
24 funding allowed in Paragraph (1) of this subsection, up to
25 fifty thousand dollars (\$50,000) to administer the provisions

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1 of Section 21-19-7.1 NMSA 1978.

2 C. Up to two million dollars (\$2,000,000) of
3 development training funds may be used to reimburse film and
4 multimedia production companies and to provide preemployment
5 training for that industry pursuant to the provisions of
6 Section 21-19-7.1 NMSA 1978.

7 D. As used in this section, [~~(1)~~] "nonurban
8 community" means a municipality [~~that is not an urban community~~
9 ~~or is~~] with a population of less than forty thousand according
10 to the most recent federal decennial census or the
11 unincorporated area of a county [~~and~~

12 ~~(2) "urban community" means a municipality~~
13 ~~with a population of forty thousand or more according to the~~
14 ~~most recent federal decennial census]."~~

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