

HOUSE BILL 155

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

INTRODUCED BY

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AN ACT

RELATING TO WORKFORCE TRAINING; ALLOWING FOR THE REDUCTION OF  
THE RESIDENCY REQUIREMENT FOR THE WORKFORCE DEVELOPMENT  
TRAINING PROGRAM OF THE ECONOMIC DEVELOPMENT DEPARTMENT WHEN  
THE TRAINING PROVIDED IS FOR HIGH-WAGE JOBS IN CERTAIN  
LOCATIONS OF THE STATE.

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 workforce resources  
for new or expanding industries, nonretail service sector

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1 businesses and film and multimedia production companies in New  
2 Mexico that have business or production procedures that require  
3 skills unique to those industries. Training shall be custom  
4 designed for, and based on the special requirements of, each  
5 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;

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

16 (3) the director of the governor's office of  
17 workforce training and development;

18 (4) the executive director of the commission  
19 on higher education;

20 (5) an employee of the workforce solutions  
21 department;

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

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

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1           C. The industrial training board shall establish  
2 policies and promulgate rules for the administration of  
3 appropriated funds and shall provide review and oversight to  
4 ensure that funds expended from the development training fund  
5 will generate business activity and give measurable growth to  
6 the economic base of New Mexico within the legal limits while  
7 preserving the ecological state of New Mexico and its people.  
8 [~~For fiscal years 2018 through 2022~~] In expending money from  
9 the fund, except that for film and multimedia production  
10 companies and preemployment training programs for that  
11 industry, the board shall employ a preference for training or  
12 instructional services for trainees who meet the criterion in  
13 Subparagraph (a) of Paragraph (3) of Subsection F of this  
14 section over training or instructional services for trainees  
15 who meet the criterion in Subparagraph (b) of that paragraph.

16           D. Subject to the approval of the industrial  
17 training board, the economic development division of the  
18 economic development department shall:

- 19                   (1) administer all funds allocated or  
20 appropriated for industrial development training purposes;  
21                   (2) provide designated training services;  
22                   (3) regulate, control and abandon any training  
23 program established under the provisions of this section;  
24                   (4) assist companies requesting training in  
25 the development of a training proposal to meet the companies'

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1 workforce needs;

2 (5) contract for the implementation of all  
3 training programs;

4 (6) provide for training by educational  
5 institutions or by a company through in-plant training, at that  
6 company's request; and

7 (7) evaluate training efforts on a basis of  
8 performance standards set forth by the industrial training  
9 board.

10 E. The instructional support and vocational  
11 education division of the public education department shall  
12 provide technical assistance to the economic development  
13 department concerning the development of agreements, the  
14 determination of the most appropriate instructional training to  
15 be provided and the review of training program implementation.

16 F. Except as provided in Section 21-19-7.1 NMSA  
17 1978 for film and multimedia production companies and  
18 preemployment training programs for that industry, the state  
19 shall contract with a company or an educational institution to  
20 provide training or instructional services in accordance with  
21 the approved training proposal and within the following  
22 limitations:

23 (1) payment shall not be made for training in  
24 excess of one thousand forty hours of training per trainee for  
25 the total duration of training;

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1 (2) trainees shall be guaranteed full-time  
2 employment with the contracted company upon successful  
3 completion of the training;

4 (3) trainees shall be of legal status for  
5 employment and:

6 (a) have resided within the state for at  
7 least one year at any time before the start of the training  
8 program; or

9 (b) ~~[for fiscal years 2018 through 2022]~~  
10 have resided within the state for at least one day at any time  
11 before the start of the training program if the salary of the  
12 job guaranteed to the trainee upon successful completion of the  
13 training is at least: 1) sixty thousand dollars (\$60,000) for  
14 a job performed in, based in or within ten miles of the  
15 external boundaries of a municipality with a population,  
16 according to the most recent federal decennial census, of sixty  
17 thousand or more or a job performed in or based in an H class  
18 county; or 2) forty thousand dollars (\$40,000) for a job  
19 performed in or based in a municipality with a population,  
20 according to the most recent federal decennial census, of less  
21 than sixty thousand or for a job performed in or based in the  
22 unincorporated area, not within ten miles of the external  
23 boundaries of a municipality with a population of sixty  
24 thousand or more, of a county other than an H class county;

25 (4) payment for institutional classroom

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1 training shall be made pursuant to any accepted training  
2 contract for a qualified training program;

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

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

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 with a population, according to the most recent  
22 decennial census, of more than forty thousand or in 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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the New Mexico Insurance Code; and

(b) contributes at least fifty percent of the premium for the health insurance plan for those employees who choose to enroll in it; provided that the fifty percent employer contribution shall not be a requirement for the dependent coverage that is offered."