

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 8

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO DEVELOPMENT TRAINING; PROVIDING FOR MEMBERS AND
DESIGNEES ON THE INDUSTRIAL TRAINING BOARD; REQUIRING THAT UP
TO TWO-THIRDS OF DEVELOPMENT TRAINING PROJECTS BE LOCATED IN
URBAN AREAS OF THE STATE AND THE REMAINDER BE LOCATED IN
NONURBAN COMMUNITIES; MAKING AN APPROPRIATION; 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

underscored material = new
[bracketed material] = delete

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

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

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

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

18 [~~(3) the director of the governor's office of~~
19 ~~workforce training and development;~~

20 ~~(4)] (3) the [executive director of the~~
21 ~~commission on] director of the workforce education division of
22 the higher education department or the director's designee from
23 that division;~~

24 [~~(5) an employee] (4) a representative of the
25 department of [labor] workforce solutions;~~

.171399.1

underscored material = new
[bracketed material] = delete

1 [~~(6)~~] (5) one member from organized labor
2 appointed by the governor; and

3 [~~(7)~~] (6) one public member from the business
4 community appointed by the governor.

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

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

15 (1) administer all funds allocated or
16 appropriated for industrial development training purposes;

17 (2) provide designated training services;

18 (3) regulate, control and abandon any training
19 program established under the provisions of this section;

20 (4) assist companies requesting training in
21 the development of a training proposal to meet the companies'
22 [~~manpower~~] work force needs;

23 (5) contract for the implementation of all
24 training programs;

25 (6) provide for training by educational

underscoring material = new
[bracketed material] = delete

1 institutions or by a company through in-plant training, at that
2 company's request; and

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

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

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

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

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

.171399.1

underscoring material = new
[bracketed material] = delete

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

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

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

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

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

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

23 (9) if a company hires twenty or more
24 trainees, payment shall not be made for training in a
25 municipality having a population of more than forty thousand

.171399.1

underscored material = new
[bracketed material] = delete

1 according to the most recent decennial census or a class A
2 county unless the company:

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

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

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

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

14 A. [~~Of appropriations made~~] In any fiscal year [~~for~~
15 ~~development training~~], up to two-thirds of the development
16 training projects statewide shall be [~~expended~~] located in
17 urban communities in the state. At least one-third of the
18 [~~appropriations made in any fiscal year for~~] development
19 training projects statewide shall be [~~expended~~] located in
20 nonurban communities.

21 B. Of money available in the development training
22 fund, the economic development department may use in any fiscal
23 year:

24 (1) up to fifty thousand dollars (\$50,000) to
25 [~~generally~~] administer generally the development training

.171399.1

underscored material = new
[bracketed material] = delete

1 program; and

2 (2) in addition to the general administration
3 funding allowed in Paragraph (1) of this subsection, up to
4 fifty thousand dollars (\$50,000) to administer the provisions
5 of Section 21-19-7.1 NMSA 1978.

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

11 D. As used in this section:

12 (1) "nonurban community" means a municipality
13 that is not an urban community or is the unincorporated area of
14 a county; and

15 (2) "urban community" means a municipality
16 with a population of forty thousand or more according to the
17 most recent federal decennial census."

18 Section 3. APPROPRIATION.--Ten million dollars
19 (\$10,000,000) is appropriated from the general fund to the
20 development training fund for expenditure in fiscal year 2009
21 and subsequent fiscal years for a development training program
22 providing classroom and in-plant training to furnish qualified
23 human resources for certain new or expanding industries and
24 businesses in the state. Any unexpended or unencumbered
25 balance remaining at the end of a fiscal year shall not revert

.171399.1

underscoring material = new
[bracketed material] = delete

1 to the general fund.

2 Section 4. EMERGENCY.--It is necessary for the public
3 peace, health and safety that this act take effect immediately.

4 - 8 -

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

.171399.1