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AN ACT
RELATING TO AGRICULTURE; ENACTING THE NEW MEXICO AGRICULTURAL
WORKFORCE DEVELOPMENT PROGRAM ACT.

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

SECTION 1. SHORT TITLE.--This act may be cited as the
"New Mexico Agricultural Workforce Development Program Act".

SECTION 2. DEFINITIONS.--As used in the New Mexico
Agricultural Workforce Development Program Act:

A. "agricultural business" means a business of a
food or agricultural nature, including agriculture production
or processing;

B. "board" means the board of regents of New
Mexico state university;

C. "department" means the New Mexico department of
agriculture;

D. "director" means the director of the
department;

E. "immediate family member" means the spouse,
parent, sibling or child of the owner or manager of an
agricultural business; a person to whom the owner or manager
of an agricultural business stands in loco parentis; or any
other person living in the household of the owner or manager
of an agricultural business and related to the owner or
manager of an agricultural business by blood or marriage;

1 F. "intern" means an individual who is a student
2 or a young and beginning farmer or rancher employed by an
3 agricultural business pursuant to the program; and

4 G. "program" means the New Mexico agricultural
5 workforce development program.

6 SECTION 3. AGRICULTURAL WORKFORCE DEVELOPMENT PROGRAM
7 CREATED--GENERAL PROVISIONS--RULEMAKING.--

8 A. The "New Mexico agricultural workforce
9 development program" is created and shall be administered by
10 the department. The department shall establish policies for
11 the program that specify, at a minimum:

12 (1) criteria for selecting agricultural
13 businesses for participation in the program, including the
14 ability of a business to effectively supervise an intern and
15 offer the intern an opportunity to obtain meaningful work
16 experience through the business;

17 (2) criteria for an internship to qualify
18 under the program, including requirements that the
19 internship:

20 (a) provide an intern with at least one
21 hundred thirty hours of work experience;

22 (b) not exceed one year in duration per
23 intern; and

24 (c) pay an intern an hourly wage rate
25 that is no less than the minimum wage rate established in

1 Section 50-4-22 NMSA 1978;

2 (3) criteria for an agricultural business to
3 use in selecting qualified interns; provided that an
4 immediate family member shall not be eligible to qualify as
5 an intern;

6 (4) the process and timetable for selecting
7 qualified agricultural businesses and qualified interns;

8 (5) accounting requirements for tracking
9 internship costs; and

10 (6) the process for an agricultural business
11 to seek reimbursement.

12 B. Subject to appropriations by the legislature,
13 the board, on behalf of the department, may reimburse a
14 participating agricultural business in an amount not to
15 exceed fifty percent of the actual cost to the business of
16 participating in the program. Actual cost includes the wages
17 paid to an intern, a reasonable allocation of fixed overhead
18 expenses and all incidental costs directly related to the
19 internship. Based on the annual appropriation for the
20 program, the director shall determine how many internships
21 may be approved, the amount of reimbursement per internship
22 and whether an agricultural business may be reimbursed for
23 more than one intern in the same calendar year; provided that
24 an agricultural business shall not be reimbursed for more
25 than three internships in the same calendar year.

