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

B. There is created the "industrial training

1 board" composed of:

2 (1) the director of the economic development
3 division of the economic development department;

4 (2) the director of the instructional
5 support and vocational education division of the public
6 education department;

7 (3) the director of the governor's office of
8 workforce training and development;

9 (4) the executive director of the commission
10 on higher education;

11 (5) an employee of the workforce solutions
12 department;

13 (6) one member from organized labor
14 appointed by the governor; and

15 (7) one public member from the business
16 community appointed by the governor.

17 C. The industrial training board shall establish
18 policies and promulgate rules for the administration of
19 appropriated funds and shall provide review and oversight to
20 ensure that funds expended from the development training fund
21 will generate business activity and give measurable growth to
22 the economic base of New Mexico within the legal limits while
23 preserving the ecological state of New Mexico and its people.

24 In expending money from the fund, except that for film and
25 multimedia production companies and preemployment training

1 programs for that industry, the board shall employ a
2 preference for training or instructional services for
3 trainees who meet the criterion in Subparagraph (a) of
4 Paragraph (3) of Subsection F of this section over training
5 or instructional services for trainees who meet the criterion
6 in Subparagraph (b) of that paragraph.

7 D. Subject to the approval of the industrial
8 training board, the economic development division of the
9 economic development department shall:

10 (1) administer all funds allocated or
11 appropriated for industrial development training purposes;

12 (2) provide designated training services;

13 (3) regulate, control and abandon any
14 training program established under the provisions of this
15 section;

16 (4) assist companies requesting training in
17 the development of a training proposal to meet the companies'
18 workforce needs;

19 (5) contract for the implementation of all
20 training programs;

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

24 (7) evaluate training efforts on a basis of
25 performance standards set forth by the industrial training

1 board.

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

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

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

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

22 (3) trainees shall be of legal status for
23 employment and:

24 (a) have resided within the state for
25 at least one year at any time before the start of the

1 training program; or

2 (b) have resided within the state for
3 at least one day at any time before the start of the training
4 program if the salary of the job guaranteed to the trainee
5 upon successful completion of the training is at least: 1)
6 sixty thousand dollars (\$60,000) for a job performed in,
7 based in or within ten miles of the external boundaries of a
8 municipality with a population, according to the most recent
9 federal decennial census, of sixty thousand or more or a job
10 performed in or based in an H class county; or 2) forty
11 thousand dollars (\$40,000) for a job performed in or based in
12 a municipality with a population, according to the most
13 recent federal decennial census, of less than sixty thousand
14 or for a job performed in or based in the unincorporated
15 area, not within ten miles of the external boundaries of a
16 municipality with a population of sixty thousand or more, of
17 a county other than an H class county;

18 (4) payment for institutional classroom
19 training shall be made pursuant to any accepted training
20 contract for a qualified training program;

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

25 (6) trainees shall be eligible under the

1 federal Fair Labor Standards Act of 1938, as amended, and
2 shall not have terminated a public school program within the
3 past three months except by graduation;

4 (7) persons employed to provide the
5 instructional services shall be exempt from the minimum
6 requirements established in the state plan for other state
7 vocational programs;

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

12 (9) if a company hires twenty or more
13 trainees, payment shall not be made for training in a
14 municipality with a population, according to the most recent
15 decennial census, of more than forty thousand or in a class A
16 county, unless the company:

17 (a) offers its employees and their
18 dependents health insurance coverage that is in compliance
19 with the New Mexico Insurance Code; and

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