

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

SENATE BILL 136

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Pete Campos

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO DEVELOPMENT TRAINING; PRESCRIBING A SELECTION
CRITERIA FOR AWARDS OF DEVELOPMENT TRAINING FUNDS;
TRANSFERRING ADMINISTRATION OF THE DEVELOPMENT TRAINING
PROGRAM TO THE LABOR DEPARTMENT.

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~~] labor department
shall establish a development training program that provides
quick-response classroom and in-plant training to furnish
qualified manpower resources for new or expanding industries
and non-retail service sector businesses in New Mexico that
have business or production procedures that require skills

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 unique to those industries. Training shall be custom-designed
2 for the particular company and shall be based on the special
3 requirements of each company. The program shall be operated
4 on a statewide basis and shall be designed to assist any area
5 in becoming more competitive economically.

6 B. Money from the development training fund shall
7 be awarded on a periodic basis determined by the industrial
8 training board and based on applications that best meet
9 selection criteria promulgated by rule of the board.

10 Selection criteria shall include:

11 (1) the complexity of skills needed by the
12 company;

13 (2) whether the company proposes to target
14 hard-to-employ persons;

15 (3) the wages and benefits of trainees and
16 other company employees;

17 (4) the proposed number of trainees and the
18 number of total jobs available from the company;

19 (5) employee promotion history and retention
20 rates of trainees and other employees of the company;

21 (6) the economic and environmental impacts of
22 the company on the area;

23 (7) unemployment rates of the area from which
24 trainees and employees will most likely be hired;

25 (8) past financial performance of the

underscored material = new
[bracketed material] = delete

1 company;

2 (9) the community service history of the
3 company; and

4 (10) other criteria the board deems important
5 to economic development and the quality of life of the area.

6 [~~B.—There is created~~] C. The "industrial training
7 board" is created, composed of:

8 (1) the director of the economic development
9 division of the economic development department;

10 (2) the director of the vocational education
11 division of the state department of public education;

12 (3) the director of the job training division
13 of the labor department;

14 (4) the executive director of the commission
15 on higher education;

16 (5) one member from organized labor appointed
17 by the governor; and

18 (6) one public member from the business
19 community appointed by the governor.

20 [~~C.—~~] D. The industrial training board shall
21 establish policies and promulgate rules [~~and regulations~~] for
22 the administration of appropriated funds and shall provide
23 review and oversight to assure that funds expended from the
24 development training fund will generate business activity and
25 give measurable growth to the economic base of New Mexico

underscored material = new
[bracketed material] = delete

1 within the legal limits preserving the ecological state of New
2 Mexico and its people.

3 [D.] E. Subject to the approval of the industrial
4 training board, the [~~economic development division of the~~
5 ~~economic development~~] labor department shall:

6 (1) administer all funds allocated or
7 appropriated for industrial development training purposes;

8 (2) provide designated training services;

9 (3) regulate, control and abandon any
10 training program established under the provisions of this
11 section;

12 (4) assist companies requesting training in
13 the development of [~~a~~] training [~~proposal~~] proposals to meet
14 the companies' manpower needs;

15 (5) contract for the implementation of all
16 training programs;

17 (6) provide for training by educational
18 institutions or by the company through in-plant training, at
19 the company's request; and

20 (7) evaluate training efforts on [~~a~~] the
21 basis of performance standards set forth by the industrial
22 training board.

23 [~~E.~~] F. The vocational education division of the
24 state department of public education shall provide technical
25 assistance to the [~~economic development~~] labor department

underscored material = new
[bracketed material] = delete

1 concerning the development of agreements, the determination of
2 the most appropriate instructional training to provide and the
3 review of training program implementation.

4 [F-] G. The state shall contract with a company or
5 an educational institution to provide training or
6 instructional services in accordance with the approved
7 training proposal and within the following limitations:

8 (1) no payment shall be made for training in
9 excess of one thousand forty hours of training per trainee for
10 the total duration of training;

11 (2) training applicants shall have resided
12 within the state for a minimum of one year immediately prior
13 to the commencement of the training program and be of legal
14 status for employment; provided, however, [~~that prior to July~~
15 ~~1, 2004~~] the residency requirements may be waived in part for
16 projects within New Mexico communities located within fifty
17 miles of the state border if the project meets the following
18 criteria:

19 [~~(a) the project will employ more than~~
20 ~~one thousand five hundred employees;~~

21 ~~(b)]~~ (a) the resident labor force
22 within a fifty mile radius of the project location is not
23 sufficient to fill the full-time-equivalent position
24 requirements of the project as determined by the labor
25 department; and

underscored material = new
[bracketed material] = delete

1 program or production are of Indian descent. "

2 Section 2. Section 21-19-10 NMSA 1978 (being Laws 1983,
3 Chapter 299, Section 4, as amended) is amended to read:

4 "21-19-10. COMMUNITY DEVELOPMENT ASSISTANCE. -- The labor
5 department and the economic development department shall
6 provide assistance to political subdivisions of the state so
7 that they can construct or implement projects necessary to
8 provide services that will encourage the location of industry
9 in the political subdivisions. The economic development
10 department shall, for this purpose, make low-interest loans to
11 political subdivisions of the state with the approval of the
12 economic development [~~and tourism~~] commission and after
13 coordination with the local government division of the
14 department of finance and administration pursuant to the New
15 Mexico Community Assistance Act. "

16 Section 3. Section 21-19-11 NMSA 1978 (being Laws 1983,
17 Chapter 299, Section 5, as amended) is amended to read:

18 "21-19-11. FUNDS CREATED. --

19 A. [~~There is created in the state treasury~~] The
20 "development training fund" is created in the state treasury.
21 Money appropriated to the fund or accruing to it through
22 gifts, grants, repayments or bequests shall not be transferred
23 to any other fund or be encumbered or disbursed in any manner
24 except as provided in Section 21-19-7 NMSA 1978. Money in the
25 fund shall not revert at the end of any fiscal year. Money in

underscored material = new
[bracketed material] = delete

1 the fund is appropriated to the [~~economic development~~] labor
2 department for expenditure in any fiscal year. Money in the
3 fund shall be expended upon warrant drawn by the secretary of
4 finance and administration pursuant to vouchers signed by the
5 secretary of [~~economic development~~] labor or his authorized
6 representative to carry out the purposes specified in Section
7 21-19-7 NMSA 1978.

8 B. [~~There is created in the state treasury~~] The
9 "development fund" is created in the state treasury. Money
10 appropriated to the fund or accruing to it through gifts,
11 grants, repayments or bequests shall not be transferred to any
12 other fund or be encumbered or disbursed in any manner except
13 as provided in this subsection. Money in the fund shall not
14 revert at the end of any fiscal year. Money in the fund shall
15 be administered by the economic development department or its
16 successor for the purpose of making low-interest loans to
17 political subdivisions of the state so that they can construct
18 or implement projects necessary to provide services that will
19 encourage the location of industry in the political
20 subdivisions. The economic development department shall
21 coordinate these loans with the local government division of
22 the department of finance and administration pursuant to the
23 New Mexico Community Assistance Act. Money in the fund shall
24 be expended as provided in Section 21-19-10 NMSA 1978."

25 Section 4. Section 21-19-12 NMSA 1978 (being Laws 1997,

underscored material = new
[bracketed material] = delete

1 Chapter 71, Section 3) is amended to read:

2 "21-19-12. TEMPORARY PROVISION-- APPROPRIATION OF FUND
3 BALANCES. -- The [~~economic development~~] labor department may
4 expend money in the development training fund in the 1997 and
5 subsequent fiscal years that was appropriated in prior fiscal
6 years to carry out the purposes of Section [~~21-9-7~~] 21-19-7
7 NMSA 1978. "

8 Section 5. TEMPORARY PROVISION-- TRANSFER OF PROPERTY,
9 CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES. -- On the
10 effective date of this act, all appropriations, money,
11 records, files and other property of the economic development
12 department related to the development training program shall
13 be transferred to the labor department. All contractual
14 obligations of the economic development department pertaining
15 to the development training program shall be contractual
16 obligations of the labor department. References in the law to
17 a state agency other than the labor department that
18 administers the development training program provided for in
19 Section 21-19-7 NMSA 1978 shall be deemed to be references to
20 the labor department.

21 Section 6. EFFECTIVE DATE. -- The effective date of the
22 provisions of this act is July 1, 2001.