

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 635

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

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO EMPLOYMENT TRAINING; INCLUDING EXISTING INDUSTRIES  
WITHIN THE SCOPE OF BENEFICIARIES OF THE DEVELOPMENT TRAINING  
PROGRAM; 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 and in-plant training to furnish qualified  
manpower resources for existing, new or expanding industries  
and non-retail service sector businesses in New Mexico that  
have business or production procedures that require skills  
unique to those industries. Training shall be custom-designed

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

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

5 B. There is created the "industrial training  
6 board" composed of:

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

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

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

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

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

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

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

underscored material = new  
[bracketed material] = delete

1 Mexico and its people.

2 D. Subject to the approval of the industrial  
3 training board, the economic development division of the  
4 economic development department shall:

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

7 (2) provide designated training services;

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

11 (4) assist companies requesting training in  
12 the development of a training proposal to meet the companies'  
13 manpower needs;

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

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

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

22 E. The vocational education division of the state  
23 department of public education shall provide technical  
24 assistance to the economic development department concerning  
25 the development of agreements, the determination of the most

. 136548. 1

underscored material = new  
[bracketed material] = delete

1 appropriate instructional training to provide and the review  
2 of training program implementation.

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

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

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

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

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

24 (c) preference for training shall be  
25 given to New Mexico residents; and

underscored material = new  
[bracketed material] = delete

1 (d) no less than fifty percent of the  
2 project's workforce shall be residents of New Mexico;

3 (3) payment for institutional classroom  
4 training shall be made under any accepted training contract  
5 for a qualified training program;

6 (4) no payment shall be made under any  
7 accepted training contract for rental of facilities unless  
8 facilities are not available on site or at the educational  
9 institution;

10 (5) all applicants shall be eligible under  
11 the federal Fair Labor Standards Act and shall not have  
12 terminated a public school program within the past three  
13 months except by graduation;

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

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

21 (8) no payment shall be made for training  
22 programs or production of Indian jewelry or imitation Indian  
23 jewelry unless a majority of those involved in the training  
24 program or production are of Indian descent. "

25 Section 2. EMERGENCY.--It is necessary for the public

. 136548. 1

underscored material = new  
~~[bracketed material] = delete~~

1 peace, health and safety that this act take effect  
2 immediately.

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