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SENATE BILL 692

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

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO DEVELOPMENT TRAINING; PRESCRIBING A SELECTION
CRITERIA FOR AWARDS OF DEVELOPMENT TRAINING FUNDS.

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 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 for
the particular company and shall be based on the special

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

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

8 Selection criteria shall include:

9 (1) the complexity of skills needed by the
10 company;

11 (2) whether the company proposes to target
12 hard-to-employ persons;

13 (3) the wages and benefits of trainees and
14 other company employees;

15 (4) the proposed number of trainees and the
16 number of total jobs available from the company;

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

19 (6) the economic and environmental impacts of
20 the company on the area;

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

23 (8) past financial performance of the
24 company; and

25 (9) the community service history of the

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1 company.

2 [B.—There is created] C. The "industrial training
3 board" is created, composed of:

4 (1) the director of the economic development
5 division of the economic development department;

6 (2) the director of the vocational education
7 division of the state department of public education;

8 (3) the director of the job training division
9 of the labor department;

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

12 (5) one member from organized labor appointed
13 by the governor; and

14 (6) one public member from the business
15 community appointed by the governor.

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

24 [~~D.~~] E. Subject to the approval of the industrial
25 training board, the economic development division of the

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1 economic development department shall:

2 (1) administer all funds allocated or
3 appropriated for industrial development training purposes;

4 (2) provide designated training services;

5 (3) regulate, control and abandon any
6 training program established under the provisions of this
7 section;

8 (4) assist companies requesting training in
9 the development of [a] training [~~proposal~~] proposals to meet
10 the companies' manpower needs;

11 (5) contract for the implementation of all
12 training programs;

13 (6) provide for training by educational
14 institutions or by the company through in-plant training, at
15 the company's request; and

16 (7) evaluate training efforts on [a] the
17 basis of performance standards set forth by the industrial
18 training board.

19 [~~E.~~] F. The vocational education division of the
20 state department of public education shall provide technical
21 assistance to the economic development department concerning
22 the development of agreements, the determination of the most
23 appropriate instructional training to provide and the review
24 of training program implementation.

25 [~~F.~~] G. The state shall contract with a company or

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1 an educational institution to provide training or
2 instructional services in accordance with the approved
3 training proposal and within the following limitations:

4 (1) no payment shall be made for training in
5 excess of one thousand forty hours of training per trainee for
6 the total duration of training;

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

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

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

22 [~~(c)]~~ (b) preference for training shall
23 be given to New Mexico residents; [~~and~~

24 (d) ~~no less than fifty percent of the~~
25 ~~project's work force shall be residents of New Mexico;~~

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

4 (4) no payment shall be made under 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
9 the federal Fair Labor Standards Act and shall not have
10 terminated a public school program within the past three
11 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; and

19 (8) no payment shall 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. "