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AN ACT

RELATING TO WORKFORCE TRAINING; TEMPORARILY 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.

1 B. There is created the "industrial training
2 board" composed of:

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

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

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

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

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

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

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

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

25 For fiscal years 2018 through 2022, in expending money from

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

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

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

13 (2) provide designated training services;

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

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

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

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

25 (7) evaluate training efforts on a basis of

1 performance standards set forth by the industrial training
2 board.

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

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

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

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

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

25 (a) have resided within the state for

1 at least one year at any time before the start of the
2 training program; or

3 (b) for fiscal years 2018 through 2022,
4 have resided within the state for at least one day at any
5 time before the start of the training program if the salary
6 of the job guaranteed to the trainee upon successful
7 completion of the training is at least: 1) sixty thousand
8 dollars (\$60,000) for a job performed in, based in or within
9 ten miles of the external boundaries of a municipality with a
10 population, according to the most recent federal decennial
11 census, of sixty thousand or more or a job performed in or
12 based in an H class county; or 2) forty thousand dollars
13 (\$40,000) for a job performed in or based in a municipality
14 with a population, according to the most recent federal
15 decennial census, of less than sixty thousand or for a job
16 performed in or based in the unincorporated area, not within
17 ten miles of the external boundaries of a municipality with a
18 population of sixty thousand or more, of a county other than
19 an H class county;

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

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

1 educational institution;

2 (6) trainees shall be eligible under the
3 federal Fair Labor Standards Act of 1938, as amended, and
4 shall not have terminated a public school program within the
5 past three months except by graduation;

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

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

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

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

22 (b) contributes at least fifty percent
23 of the premium for the health insurance plan for those
24 employees who choose to enroll in it; provided that the fifty
25 percent employer contribution shall not be a requirement for

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the dependent coverage that is offered." _____