

HOUSE BILL 315

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO AGRICULTURE; ENACTING THE NEW MEXICO AGRICULTURAL
WORKFORCE DEVELOPMENT PROGRAM ACT H AFC →; ~~MAKING AN~~
~~APPROPRIATION~~ ← H AFC.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "New Mexico Agricultural Workforce Development
Program Act".

SCONC → ~~SECTION 2. [NEW MATERIAL] FINDINGS AND PURPOSE.--~~

~~A. The legislature finds that:~~

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~~(1) agriculture is an important industry to New Mexico, providing employment opportunities for rural counties, ensuring economic development activities throughout the state and providing a nutritious food supply;~~

~~(2) it is a challenge for agricultural businesses to find qualified and trained agricultural employees;~~

~~(3) the majority of New Mexico's farmers and ranchers are nearing retirement, and it is critical to provide training and experience to young and beginning farmers or ranchers to ensure New Mexico's agricultural future;~~

~~(4) the barriers to entry in agriculture and ranching for young and beginning farmers or ranchers are significant, and among these barriers is a lack of access to training programs that provide real-world work experience;~~

~~(5) internships are a recognized way to build a talent pipeline and career pathway to align education, training and work-based learning; and~~

~~(6) by offering incentives to agricultural businesses to create internships, there will be more opportunities for young and beginning farmers or ranchers to obtain work experience in agriculture and support themselves in long-term careers.~~

~~B. The purpose of the New Mexico Agricultural~~

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~~Workforce Development Program Act is to provide incentives to agricultural businesses to create internships to provide opportunities to young and beginning farmers or ranchers to obtain work experience in agriculture that can support them in long-term careers and support New Mexico's agricultural future.~~ ←SCONC

SECTION SCONC → ~~3.~~ **2.** ←SCONC [NEW MATERIAL] DEFINITIONS.--

As used in the New Mexico Agricultural Workforce Development Program Act:

- A. "agricultural business" means a business of a food or agricultural nature, including agriculture production or processing;
- B. "board" means the board of regents of New Mexico state university;
- C. "department" means the New Mexico department of agriculture;
- D. "director" means the director of the department;
- SCONC → **E. "immediate family member" means the spouse, parent, sibling or child of the owner or manager of an agricultural business; a person to whom the owner or manager of an agricultural business stands in loco parentis; or any other person living in the household of the owner or manager of an agricultural business and related to the owner or manager of an agricultural business by blood or marriage;** ←SCONC

SCONC → ~~E.~~ **F.** ←SCONC "intern" means an individual who

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is a student or a young and beginning farmer or rancher employed by an agricultural business pursuant to the program;
SCONC→and←SCONC

SCONC→F. G.←SCONC "program" means the New Mexico agricultural workforce development program SCONC→; and .←SCONC

SCONC→SCONC→G. H.←SCONC ~~"young and beginning farmer or rancher" means an individual who has not operated a farm or ranch or who has operated a farm or ranch but not for more than ten consecutive years.~~←SCONC

SECTION SCONC→4. 3.←SCONC [NEW MATERIAL] AGRICULTURAL WORKFORCE DEVELOPMENT PROGRAM CREATED--GENERAL PROVISIONS-- RULEMAKING.--

A. The "New Mexico agricultural workforce development program" is created and shall be administered by the department. The department shall establish policies for the program that specify, at a minimum:

(1) criteria for selecting agricultural businesses for participation in the program, including the ability of a business to effectively supervise an intern and offer the intern an opportunity to obtain meaningful work experience through the business;

(2) criteria for an internship to qualify under the program, including requirements that the internship:

(a) provide an intern with at least one hundred thirty hours of work experience; HAFC→and←HAFC

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(b) not exceed one year in duration per intern; HAFC→and←HAFC

HAFC→(c) pay an intern an hourly wage rate that is no less than the minimum wage rate established in Section 50-4-22 NMSA 1978;←HAFC

(3) criteria for an agricultural business to use in selecting qualified interns SCONC→, including the required educational experience for an intern and the ability of the intern to perform meaningful work for the business←SCONC
SCONC→, provided that an immediate family member shall not be eligible to qualify as an intern←SCONC;

(4) the process and timetable for selecting qualified agricultural businesses and qualified interns;

(5) accounting requirements for tracking internship costs; and

(6) the process for an agricultural business to seek reimbursement.

B. Subject to appropriations by the legislature, the board, on behalf of the department, may reimburse a participating agricultural business in an amount not to exceed fifty percent of the actual cost to the business of participating in the program. Actual cost includes the wages paid to an intern, a reasonable allocation of fixed overhead expenses and all incidental costs directly related to the internship. Based on the annual appropriation for the program,

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the director shall determine how many internships may be approved, the amount of reimbursement per internship and whether an agricultural business may be reimbursed for more than one intern in the same calendar year; provided that an agricultural business shall not be reimbursed for more than three internships in the same calendar year.

HAFC→C. The department shall annually report to the appropriate interim legislative committee on the effectiveness of the program in achieving the purpose of the New Mexico Agricultural Workforce Development Program Act.←HAFC

HAFC→~~SECTION 5. APPROPRIATION.--Two hundred fifty thousand dollars (\$250,000) is appropriated from the general fund to the board of regents of New Mexico state university for expenditure in fiscal year 2020 and subsequent fiscal years for the New Mexico department of agriculture to provide agricultural business internships and to administer the New Mexico agricultural workforce development program. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.~~←HAFC