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HOUSE BILL 559

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

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO DEVELOPMENT TRAINING; CHANGING CERTAIN PROVISIONS OF THE DEVELOPMENT TRAINING PROGRAM TO PERMIT USE OF TRAINING FUNDS FOR PART-TIME EMPLOYEES AND TO ALLOCATE HOURLY TRAINING FUNDS BY FULL-TIME-EQUIVALENT POSITION.

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

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1 to those industries. Training shall be custom-designed for
2 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. There is created the "industrial training
7 board" 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. The industrial training board shall establish
21 policies and promulgate rules [~~and regulations~~] for the
22 administration of appropriated funds and shall provide review
23 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

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

3 D. Subject to the approval of the industrial
4 training board, the economic development division of the
5 economic development 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 to meet the companies'
14 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 basis of
21 performance standards set forth by the industrial training
22 board.

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

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

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

8 (1) ~~[no]~~ payment shall be made for ~~[training~~
9 ~~in excess of]~~ up to one thousand forty hours of training per
10 ~~[trainee for the total duration of training]~~ full-time-
11 equivalent position;

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

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

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

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1 (c) preference for training shall be
2 given to New Mexico residents; and

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

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

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

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

16 (6) trainees shall be guaranteed [~~full-time~~]
17 employment with the contracted company upon successful
18 completion of the training;

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

23 (8) no payment shall be made for training
24 programs or production of Indian jewelry or imitation Indian
25 jewelry unless a majority of those involved in the training

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program or production are of Indian descent. "

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