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HOUSE BILL 281

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Donald L. Whitaker

AN ACT

**RELATING TO DEVELOPMENT TRAINING; CHANGING THE SIZE OF A
PROJECT LOCATED WITHIN FIFTY MILES OF THE NEW MEXICO BORDER
THAT WOULD QUALIFY FOR AN EXCEPTION TO THE IN-PLANT TRAINING
RESIDENCY REQUIREMENT.**

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~~ a company through in-plant training,
19 at ~~the~~ that 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]~~ be provided
3 and the review 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 in
9 excess of one thousand forty hours of training per trainee for
10 the total duration of training;

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

19 (a) the project will employ more than
20 ~~[one thousand five hundred]~~ one hundred fifty employees;

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

25 (c) preference for training shall be

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1 given to New Mexico residents; and

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

4 (3) payment for institutional classroom
5 training shall be made ~~[under]~~ pursuant to any accepted
6 training contract for a qualified training program;

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

11 (5) all applicants shall be eligible under
12 the federal Fair Labor Standards Act of 1938, as amended, and
13 shall not have terminated a public school program within the
14 past three months except by graduation;

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

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

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

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