

1 HOUSE BILL 147

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 George Dodge, Jr. And Bill McCamley

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10 AN ACT

11 RELATING TO WORKFORCE TRAINING; REDUCING THE RESIDENCY
12 REQUIREMENT FOR THE WORKFORCE DEVELOPMENT TRAINING PROGRAM OF
13 THE ECONOMIC DEVELOPMENT DEPARTMENT WHEN THE TRAINING PROVIDED
14 IS FOR HIGH WAGE-JOBS IN CERTAIN LOCATIONS OF THE STATE.

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

17 SECTION 1. Section 21-19-7 NMSA 1978 (being Laws 1983,
18 Chapter 299, Section 1, as amended) is amended to read:

19 "21-19-7. DEVELOPMENT TRAINING.--

20 A. The economic development department shall
21 establish a development training program that provides
22 quick-response classroom training, in-plant training and skill-
23 enhancement training to furnish qualified ~~manpower~~ workforce
24 resources for new or expanding industries, nonretail service
25 sector businesses and film and multimedia production companies

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1 in New Mexico that have business or production procedures that
2 require skills unique to those industries. Training shall be
3 custom designed for, and based on the special requirements of,
4 each company or preemployment training program for the film and
5 multimedia industry. The program shall be operated on a
6 statewide basis and shall be designed to assist any area in
7 becoming more competitive economically.

8 B. There is created the "industrial training board"
9 composed of:

10 (1) the director of the economic development
11 division of the economic development department;

12 (2) the director of the instructional support
13 and vocational education division of the public education
14 department;

15 (3) the [~~director of the governor's office of~~
16 ~~workforce training and development~~] secretary of workforce
17 solutions or the secretary's designee;

18 (4) the [~~executive director of the commission~~
19 ~~on~~] secretary of higher education;

20 (5) an employee of the workforce solutions
21 department [~~of labor~~];

22 (6) one member from organized labor appointed
23 by the governor; and

24 (7) one public member from the business
25 community appointed by the governor.

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1 C. The industrial training board shall establish
2 policies and promulgate rules for the administration of
3 appropriated funds and shall provide review and oversight to
4 assure that funds expended from the development training fund
5 will generate business activity and give measurable growth to
6 the economic base of New Mexico within the legal limits while
7 preserving the ecological state of New Mexico and its people.

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 training
15 program established under the provisions of this section;
- 16 (4) assist companies requesting training in
17 the development of a training proposal to meet the companies'
18 [~~manpower~~] workforce needs;
- 19 (5) contract for the implementation of all
20 training programs;
- 21 (6) provide for training by educational
22 institutions or by a company through in-plant training, at that
23 company's request; and
- 24 (7) evaluate training efforts on a basis of
25 performance standards set forth by the industrial training

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1 board.

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

8 F. Except as provided in Section 21-19-7.1 NMSA
9 1978 for film and multimedia production companies and
10 preemployment training programs for that industry, the state
11 shall contract with a company or an educational institution to
12 provide training or instructional services in accordance with
13 the approved training proposal and within the following
14 limitations:

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

18 (2) ~~[training applicants]~~ trainees shall be
19 guaranteed full-time employment with the contracted company
20 upon successful completion of the training;

21 (3) trainees shall ~~[have resided within the~~
22 ~~state for a minimum of one year at any time prior to the~~
23 ~~commencement of the training program and]~~ be of legal status
24 for employment and:

25 (a) have resided within the state for at

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

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

19 ~~[(3)]~~ (4) payment for institutional classroom
20 training shall be made pursuant to any accepted training
21 contract for a qualified training program;

22 ~~[(4)]~~ (5) payment shall not be made pursuant
23 to any accepted training contract for rental of facilities
24 unless facilities are not available on site or at the
25 educational institution;

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

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

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

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

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

22 (a) offers its employees and their
23 dependents health insurance coverage that is in compliance with
24 the New Mexico Insurance Code; and

25 (b) contributes [~~not less than~~] at least

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1 fifty percent of the premium for the health insurance plan for
2 those employees who choose to enroll in it; provided that the
3 fifty percent employer contribution shall not be a requirement
4 for the dependent coverage that is offered."

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