

1 SENATE BILL 32

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

3 INTRODUCED BY

4 John Arthur Smith

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9  
10 AN ACT

11 RELATING TO UNEMPLOYMENT COMPENSATION; ESTABLISHING A TEMPORARY  
12 SCHEDULE FOR EMPLOYER CONTRIBUTIONS TO THE UNEMPLOYMENT  
13 COMPENSATION FUND; DECLARING AN EMERGENCY.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 51-1-11 NMSA 1978 (being Laws 2003,  
17 Chapter 47, Section 11, as amended) is amended to read:

18 "51-1-11. FUTURE RATES BASED ON BENEFIT EXPERIENCE.--

19 A. The division shall maintain a separate account  
20 for each contributing employer and shall credit the  
21 contributing employer's account with all contributions paid by  
22 that employer under the Unemployment Compensation Law. Nothing  
23 in the Unemployment Compensation Law shall be construed to  
24 grant an employer or individuals in the employer's service  
25 prior claims or rights to the amounts paid by the employer into

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1 the fund.

2 B. Benefits paid to an individual shall be charged  
3 against the accounts of the individual's base-period employers  
4 on a pro rata basis according to the proportion of the  
5 individual's total base-period wages received from each  
6 employer, except that no benefits paid to a claimant as  
7 extended benefits under the provisions of Section 51-1-48 NMSA  
8 1978 shall be charged to the account of any base-period  
9 employer who is not on a reimbursable basis and who is not a  
10 governmental entity and, except as the secretary shall by rule  
11 prescribe otherwise, in the case of benefits paid to an  
12 individual who:

13 (1) left the employ of a base-period employer  
14 who is not on a reimbursable basis voluntarily without good  
15 cause in connection with the individual's employment;

16 (2) was discharged from the employment of a  
17 base-period employer who is not on a reimbursable basis for  
18 misconduct connected with the individual's employment;

19 (3) is employed part time by a base-period  
20 employer who is not on a reimbursable basis and who continues  
21 to furnish the individual the same part-time work while the  
22 individual is separated from full-time work for a  
23 nondisqualifying reason; or

24 (4) received benefits based upon wages earned  
25 from a base-period employer who is not on a reimbursable basis

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1 while attending approved training under the provisions of  
2 Subsection E of Section 51-1-5 NMSA 1978.

3 C. The division shall not charge a contributing or  
4 reimbursing base-period employer's account with any portion of  
5 benefit amounts that the division can bill to or recover from  
6 the federal government as either regular or extended benefits.

7 D. The division shall not charge a contributing  
8 base-period employer's account with any portion of benefits  
9 paid to an individual for dependent allowance or because the  
10 individual to whom benefits are paid:

11 (1) separated from employment due to domestic  
12 abuse, as "domestic abuse" is defined in Section 40-13-2 NMSA  
13 1978; or

14 (2) voluntarily left work to relocate because  
15 of a spouse, who is in the military service of the United  
16 States or the New Mexico national guard, receiving permanent  
17 change of station orders, activation orders or unit deployment  
18 orders.

19 E. All contributions to the fund shall be pooled  
20 and available to pay benefits to any individual entitled  
21 thereto, irrespective of the source of the contributions.

22 F. For each calendar year, if, as of the  
23 computation date for that year, an employer's account has been  
24 chargeable with benefits throughout the preceding thirty-six  
25 months, the secretary shall classify the employer in accordance

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1 with its actual experience of benefits charged against its  
2 accounts. For such an employer, the contribution rate shall be  
3 determined pursuant to Subsection I of this section on the  
4 basis of the employer's record and the condition of the fund as  
5 of the computation date for the calendar year. If, as of the  
6 computation date for a calendar year, an employer's account has  
7 not been chargeable with benefits throughout the preceding  
8 thirty-six months, the contribution rate for that employer for  
9 the calendar year shall be two percent, except that:

10 (1) an individual, type of organization or  
11 employing unit that acquires all or part of the trade or  
12 business of another employing unit, pursuant to Paragraphs (2)  
13 and (3) of Subsection E of Section 51-1-42 NMSA 1978, that has  
14 a rate of contribution less than two percent shall be entitled  
15 to the transfer of the reduced rate to the extent permitted  
16 under Subsection H of this section;

17 (2) an employer that, at the time of  
18 establishing an account, is in business in another state or  
19 states and that is not currently doing business in New Mexico  
20 may elect, pursuant to Paragraph (3) of this subsection, to  
21 receive a beginning contribution rate of two percent or a  
22 contribution rate based on the current contribution rate  
23 schedule in Paragraph (4) of Subsection I of this section,  
24 whichever is lower, if:

25 (a) the employer has been in operation

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1 in the other state or states for at least three years  
2 immediately preceding the date of becoming a liable employer in  
3 New Mexico, throughout which an individual in the employer's  
4 employ could have received benefits if eligible; and

5 (b) the employer provides the  
6 authenticated account history as defined by rule of the  
7 secretary from information accumulated from operations in the  
8 other state or all the other states to compute a current New  
9 Mexico rate; and

10 (3) the election authorized in Paragraph (2)  
11 of this subsection shall be made in writing within thirty days  
12 after receiving notice of New Mexico liability and, if not made  
13 timely, a two percent rate will be assigned; if the election is  
14 made timely, the employer's account will receive the lesser of  
15 the computed rate determined by the condition of the account  
16 for the computation date immediately preceding the New Mexico  
17 liable date, or two percent; rates for subsequent years will be  
18 determined by the condition of the account for the computation  
19 date.

20 G. An employer may make voluntary payments in  
21 addition to the contributions required under the Unemployment  
22 Compensation Law, which shall be credited to the employer's  
23 account in accordance with department rule. The voluntary  
24 payments shall be included in the employer's account as of the  
25 employer's most recent computation date if they are made on or

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1 before the following March 1. Voluntary payments when accepted  
2 from an employer shall not be refunded in whole or in part.

3 H. In the case of a transfer of an employing  
4 enterprise, notwithstanding any other provision of law, the  
5 experience history of the transferred enterprise shall be  
6 transferred from the predecessor employer to the successor  
7 under the following conditions and in accordance with the  
8 applicable rules of the secretary:

9 (1) as used in this subsection:

10 (a) "employing enterprise" means a  
11 business activity engaged in by a contributing employing unit  
12 in which one or more persons have been employed within the  
13 current or the three preceding calendar quarters. An  
14 "employing enterprise" includes the employer's work force;

15 (b) "predecessor" means the owner and  
16 operator of an employing enterprise immediately prior to the  
17 transfer of such enterprise;

18 (c) "successor" means any person that  
19 acquires an employing enterprise and continues to operate such  
20 business entity;

21 (d) "experience history" means the  
22 experience rating record and reserve account, including the  
23 actual contributions, benefit charges and payroll experience of  
24 the employing enterprise;

25 (e) "common ownership" means that two or

1 more businesses are substantially owned, managed or controlled  
2 by the same person or persons;

3 (f) "knowingly" means having actual  
4 knowledge of or acting with deliberate ignorance of or reckless  
5 disregard for the prohibition involved; and

6 (g) "violates or attempts to violate"  
7 includes an intent to evade, a misrepresentation or a willful  
8 nondisclosure;

9 (2) except as otherwise provided in this  
10 subsection, for the purpose of this subsection, two or more  
11 employers who are parties to or the subject of any transaction  
12 involving the transfer of an employing enterprise shall be  
13 deemed to be a single employer and the experience history of  
14 the employing enterprise shall be transferred to the successor  
15 employer if the successor employer has acquired by the  
16 transaction all of the business enterprises of the predecessor;  
17 provided that:

18 (a) all contributions, interest and  
19 penalties due from the predecessor employer have been paid;

20 (b) notice of the transfer has been  
21 given in accordance with the rules of the secretary during the  
22 calendar year of the transaction transferring the employing  
23 enterprise or the date of the actual transfer of control and  
24 operation of the employing enterprise;

25 (c) the successor shall notify the

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1 division of the acquisition on or before the due date of the  
2 successor's first wage and contribution report. If the  
3 successor employer fails to notify the division of the  
4 acquisition within this time limit, the division, when it  
5 receives actual notice, shall effect the transfer of the  
6 experience history and applicable rate of contribution  
7 retroactively to the date of the acquisition, and the successor  
8 shall pay a penalty of fifty dollars (\$50.00); and

9 (d) where the transaction involves only  
10 a merger, consolidation or other form of reorganization without  
11 a substantial change in the ownership and controlling interest  
12 of the business entity, as determined by the secretary, the  
13 limitations on transfers stated in Subparagraphs (a), (b) and  
14 (c) of this paragraph shall not apply. A party to a merger,  
15 consolidation or other form of reorganization described in this  
16 subparagraph shall not be relieved of liability for any  
17 contributions, interest or penalties due and owing from the  
18 employing enterprise at the time of the merger, consolidation  
19 or other form of reorganization;

20 (3) the applicable experience history may be  
21 transferred to the successor in the case of a partial transfer  
22 of an employing enterprise if the successor has acquired one or  
23 more of the several employing enterprises of a predecessor but  
24 not all of the employing enterprises of the predecessor and  
25 each employing enterprise so acquired was operated by the

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1 predecessor as a separate store, factory, shop or other  
2 separate employing enterprise and the predecessor, throughout  
3 the entire period of the contribution with liability applicable  
4 to each enterprise transferred, has maintained and preserved  
5 payroll records that, together with records of contribution  
6 liability and benefit chargeability, can be separated by the  
7 parties from the enterprises retained by the predecessor to the  
8 satisfaction of the secretary or the secretary's delegate. A  
9 partial experience history transfer will be made only if the  
10 successor:

11 (a) notifies the division of the  
12 acquisition, in writing, not later than the due date of the  
13 successor's first quarterly wage and contribution report after  
14 the effective date of the acquisition;

15 (b) files an application provided by the  
16 division that contains the endorsement of the predecessor  
17 within thirty days from the delivery or mailing of such  
18 application by the division to the successor's last known  
19 address; and

20 (c) files with the application a Form  
21 ES-903A or its equivalent with a schedule of the name and  
22 social security number of and the wages paid to and the  
23 contributions paid for each employee for the three and one-half  
24 year period preceding the computation date as defined in  
25 Subparagraph (d) of Paragraph (3) of Subsection I of this

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1 section through the date of transfer or such lesser period as  
2 the enterprises transferred may have been in operation. The  
3 application and Form ES-903A shall be supported by the  
4 predecessor's permanent employment records, which shall be  
5 available for audit by the division. The application and Form  
6 ES-903A shall be reviewed by the division and, upon approval,  
7 the percentage of the predecessor's experience history  
8 attributable to the enterprises transferred shall be  
9 transferred to the successor. The percentage shall be obtained  
10 by dividing the taxable payrolls of the transferred enterprises  
11 for such three and one-half year period preceding the date of  
12 computation or such lesser period as the enterprises  
13 transferred may have been in operation by the predecessor's  
14 entire payroll;

15 (4) if, at the time of a transfer of an  
16 employing enterprise in whole or in part, both the predecessor  
17 and the successor are under common ownership, then the  
18 experience history attributable to the transferred business  
19 shall also be transferred to and combined with the experience  
20 history attributable to the successor employer. The rates of  
21 both employers shall be recalculated and made effective  
22 immediately upon the date of the transfer;

23 (5) whenever a person, who is not currently an  
24 employer, acquires the trade or business of an employing  
25 enterprise, the experience history of the acquired business

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1 shall not be transferred to the successor if the secretary or  
2 the secretary's designee finds that the successor acquired the  
3 business solely or primarily for the purpose of obtaining a  
4 lower rate of contributions. Instead, the successor shall be  
5 assigned the applicable new employer rate pursuant to this  
6 section. In determining whether the business was acquired  
7 solely or primarily for the purpose of obtaining a lower rate  
8 of contribution, the secretary or the secretary's designee  
9 shall consider:

10 (a) the cost of acquiring the business;

11 (b) whether the person continued the  
12 business enterprise of the acquired business;

13 (c) how long such business enterprise  
14 was continued; and

15 (d) whether a substantial number of new  
16 employees were hired for performance of duties unrelated to  
17 those that the business activity conducted prior to  
18 acquisition;

19 (6) if, following a transfer of experience  
20 history pursuant to this subsection, the department determines  
21 that a substantial purpose of the transfer of the employing  
22 enterprise was to obtain a reduced liability for contributions,  
23 then the experience rating accounts of the employers involved  
24 shall be combined into a single account and a single rate  
25 assigned to the combined account;

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1 (7) the secretary shall adopt such rules as  
2 are necessary to interpret and carry out the provisions of this  
3 subsection, including rules that:

4 (a) describe how experience history is  
5 to be transferred; and

6 (b) establish procedures to identify the  
7 type of transfer or acquisition of an employing enterprise; and

8 (8) a person who knowingly violates or  
9 attempts to violate a rule adopted pursuant to Paragraph (7) of  
10 this subsection, who transfers or acquires, or attempts to  
11 transfer or acquire, an employing enterprise for the sole or  
12 primary purpose of obtaining a reduced liability for  
13 contributions or who knowingly advises another person to  
14 violate a rule adopted pursuant to Paragraph (7) of this  
15 subsection or to transfer or acquire an employing enterprise  
16 for the sole or primary purpose of obtaining a reduced  
17 liability for contributions is guilty of a misdemeanor and  
18 shall be punished by a fine of not less than one thousand five  
19 hundred dollars (\$1,500) or more than three thousand dollars  
20 (\$3,000) or, if an individual, by imprisonment for a definite  
21 term not to exceed ninety days or both. In addition, such a  
22 person shall be subject to the following civil penalty imposed  
23 by the secretary:

24 (a) if the person is an employer, the  
25 person shall be assigned the highest contribution rate

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1 established by the provisions of this section for the calendar  
2 year in which the violation occurs and the three subsequent  
3 calendar years; provided that, if the difference between the  
4 increased penalty rate and the rate otherwise applicable would  
5 be less than two percent of the employer's payroll, the  
6 contribution rate shall be increased by two percent of the  
7 employer's payroll for the calendar year in which the violation  
8 occurs and the three subsequent calendar years; or

9 (b) if the person is not an employer,  
10 the secretary may impose a civil penalty not to exceed three  
11 thousand dollars (\$3,000).

12 I. For each calendar year, if, as of the  
13 computation date for that year, an employer's account has been  
14 chargeable with benefits throughout the preceding thirty-six  
15 months, the contribution rate for that employer shall be  
16 determined as follows:

17 (1) the total assets in the fund and the total  
18 of the last annual payrolls of all employers subject to  
19 contributions as of the computation date for each year shall be  
20 determined. These annual totals are here called "the fund" and  
21 "total payrolls". For each year, the "reserve" of each  
22 employer shall be fixed by the excess of the employer's total  
23 contributions over total benefit charges computed as a  
24 percentage of the employer's average payroll reported for  
25 contributions. The determination of each employer's annual

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1 rate, computed as of the computation date for each calendar  
2 year, shall be made by matching the employer's reserve as shown  
3 in the reserve column with the corresponding rate in the rate  
4 column of the applicable rate schedule of the table provided in  
5 Paragraph (4) of this subsection;

6 (2) for each calendar year after ~~[2012]~~ 2013,  
7 except as otherwise provided, each employer's rate shall be the  
8 corresponding rate in:

9 (a) Contribution Schedule 0 of the table  
10 provided in Paragraph (4) of this subsection if the fund equals  
11 at least two and three-tenths percent of the total payrolls;

12 (b) Contribution Schedule 1 of the table  
13 provided in Paragraph (4) of this subsection if the fund equals  
14 less than two and three-tenths percent but not less than one  
15 and seven-tenths percent of the total payrolls;

16 (c) Contribution Schedule 2 of the table  
17 provided in Paragraph (4) of this subsection if the fund equals  
18 less than one and seven-tenths percent but not less than one  
19 and three-tenths percent of the total payrolls;

20 (d) Contribution Schedule 3 of the table  
21 provided in Paragraph (4) of this subsection if the fund equals  
22 less than one and three-tenths percent but not less than one  
23 percent of the total payrolls;

24 (e) Contribution Schedule 4 of the table  
25 provided in Paragraph (4) of this subsection if the fund equals

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1 less than one percent but not less than seven-tenths percent of  
2 the total payrolls;

3 (f) Contribution Schedule 5 of the table  
4 provided in Paragraph (4) of this subsection if the fund equals  
5 less than seven-tenths percent but not less than three-tenths  
6 percent of the total payrolls; or

7 (g) Contribution Schedule 6 of the table  
8 provided in Paragraph (4) of this subsection if the fund equals  
9 less than three-tenths percent of the total payrolls;

10 (3) as used in this section:

11 (a) "annual payroll" means the total  
12 amount of remuneration from an employer for employment during a  
13 twelve-month period ending on a computation date, and "average  
14 payroll" means the average of the last three annual payrolls;

15 (b) "base-period wages" means the wages  
16 of an individual for insured work during the individual's base  
17 period on the basis of which the individual's benefit rights  
18 were determined;

19 (c) "base-period employers" means the  
20 employers of an individual during the individual's base period;  
21 and

22 (d) "computation date" for each  
23 calendar year means the close of business on June 30 of the  
24 preceding calendar year;

25 (4) table of employer reserves and

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1 contribution rate schedules:

2	Employer	Contribution	Contribution	Contribution	Contribution
3	Reserve	Schedule 0	Schedule 1	Schedule 2	Schedule 3
4	10.0% and over	0.03%	0.05%	0.1%	0.6%
5	9.0%-9.9%	0.06%	0.1%	0.2%	0.9%
6	8.0%-8.9%	0.09%	0.2%	0.4%	1.2%
7	7.0%-7.9%	0.10%	0.4%	0.6%	1.5%
8	6.0%-6.9%	0.30%	0.6%	0.8%	1.8%
9	5.0%-5.9%	0.50%	0.8%	1.1%	2.1%
10	4.0%-4.9%	0.80%	1.1%	1.4%	2.4%
11	3.0%-3.9%	1.20%	1.4%	1.7%	2.7%
12	2.0%-2.9%	1.50%	1.7%	2.0%	3.0%
13	1.0%-1.9%	1.80%	2.0%	2.4%	3.3%
14	0.9%-0.0%	2.40%	2.4%	3.3%	3.6%
15	(-0.1%)-(-0.5%)	3.30%	3.3%	3.6%	3.9%
16	(-0.5%)-(-1.0%)	4.20%	4.2%	4.2%	4.2%
17	(-1.0%)-(-2.0%)	5.00%	5.0%	5.0%	5.0%
18	Under (-2.0%)	5.40%	5.4%	5.4%	5.4%

19	Employer	Contribution	Contribution	Contribution
20	Reserve	Schedule 4	Schedule 5	Schedule 6
21	10.0% and over	0.9%	1.2%	2.7%
22	9.0%-9.9%	1.2%	1.5%	2.7%
23	8.0%-8.9%	1.5%	1.8%	2.7%
24	7.0%-7.9%	1.8%	2.1%	2.7%
25	6.0%-6.9%	2.1%	2.4%	2.7%

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1	5.0%-5.9%	2.4%	2.7%	3.0%
2	4.0%-4.9%	2.7%	3.0%	3.3%
3	3.0%-3.9%	3.0%	3.3%	3.6%
4	2.0%-2.9%	3.3%	3.6%	3.9%
5	1.0%-1.9%	3.6%	3.9%	4.2%
6	0.9%-0.0%	3.9%	4.2%	4.5%
7	(-0.1%)-(-0.5%)	4.2%	4.5%	4.8%
8	(-0.5%)-(-1.0%)	4.5%	4.8%	5.1%
9	(-1.0%)-(-2.0%)	5.0%	5.1%	5.3%
10	Under (-2.0%)	5.4%	5.4%	5.4%;

11 (5) from January 1, 2011 through December 31,  
12 [~~2011~~] 2012, each employer making contributions pursuant to  
13 this subsection shall make a contribution at the rate  
14 specified in Contribution Schedule 1; and

15 (6) from January 1, [~~2012~~] 2013 through  
16 December 31, [~~2012~~] 2013, each employer making contributions  
17 pursuant to this subsection shall make a contribution at the  
18 rate specified in Contribution Schedule [~~3~~] 2; provided that  
19 the secretary, with the approval of the governor, may increase  
20 the contribution rate to the rate specified in Contribution  
21 Schedule 3, if, as of June 30, 2012, the total assets of the  
22 unemployment compensation fund are less than or equal to  
23 thirty percent of the total amount of benefits paid in  
24 calendar year 2011.

25 J. The division shall promptly notify each

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1 employer of the employer's rate of contributions as determined  
2 for any calendar year pursuant to this section. Such  
3 notification shall include the amount determined as the  
4 employer's average payroll, the total of all of the employer's  
5 contributions paid on the employer's behalf and credited to  
6 the employer's account for all past years and total benefits  
7 charged to the employer's account for all such years. Such  
8 determination shall become conclusive and binding upon the  
9 employer unless, within thirty days after the mailing of  
10 notice thereof to the employer's last known address or in the  
11 absence of mailing, within thirty days after the delivery of  
12 such notice, the employer files an application for review and  
13 redetermination, setting forth the employer's reason therefor.  
14 The employer shall be granted an opportunity for a fair  
15 hearing in accordance with rules prescribed by the secretary,  
16 but an employer shall not have standing, in any proceeding  
17 involving the employer's rate of contributions or contribution  
18 liability, to contest the chargeability to the employer's  
19 account of any benefits paid in accordance with a  
20 determination, redetermination or decision pursuant to Section  
21 51-1-8 NMSA 1978, except upon the ground that the services on  
22 the basis of which such benefits were found to be chargeable  
23 did not constitute services performed in employment for the  
24 employer and only in the event that the employer was not a  
25 party to such determination, redetermination or decision, or

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1 to any other proceedings under the Unemployment Compensation  
2 Law in which the character of such services was determined.  
3 The employer shall be promptly notified of the decision on the  
4 employer's application for redetermination, which shall become  
5 final unless, within fifteen days after the mailing of notice  
6 thereof to the employer's last known address or in the absence  
7 of mailing, within fifteen days after the delivery of such  
8 notice, further appeal is initiated pursuant to Subsection D  
9 of Section 51-1-8 NMSA 1978.

10 K. The division shall provide each contributing  
11 employer, within ninety days of the end of each calendar  
12 quarter, a written determination of benefits chargeable to the  
13 employer's account. Such determination shall become  
14 conclusive and binding upon the employer for all purposes  
15 unless, within thirty days after the mailing of the  
16 determination to the employer's last known address or in the  
17 absence of mailing, within thirty days after the delivery of  
18 such determination, the employer files an application for  
19 review and redetermination, setting forth the employer's  
20 reason therefor. The employer shall be granted an opportunity  
21 for a fair hearing in accordance with rules prescribed by the  
22 secretary, but an employer shall not have standing in any  
23 proceeding involving the employer's contribution liability to  
24 contest the chargeability to the employer's account of any  
25 benefits paid in accordance with a determination,

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1 redetermination or decision pursuant to Section 51-1-8 NMSA  
2 1978, except upon the ground that the services on the basis of  
3 which such benefits were found to be chargeable did not  
4 constitute services performed in employment for the employer  
5 and only in the event that the employer was not a party to  
6 such determination, redetermination or decision, or to any  
7 other proceedings under the Unemployment Compensation Law in  
8 which the character of such services was determined. The  
9 employer shall be promptly notified of the decision on the  
10 employer's application for redetermination, which shall become  
11 final unless, within fifteen days after the mailing of notice  
12 thereof to the employer's last known address or in the absence  
13 of mailing, within fifteen days after the delivery of such  
14 notice, further appeal is initiated pursuant to Subsection D  
15 of Section 51-1-8 NMSA 1978.

16 L. The contributions, together with interest and  
17 penalties thereon imposed by the Unemployment Compensation  
18 Law, shall not be assessed nor shall action to collect the  
19 same be commenced more than four years after a report showing  
20 the amount of the contributions was due. In the case of a  
21 false or fraudulent contribution report with intent to evade  
22 contributions or a willful failure to file a report of all  
23 contributions due, the contributions, together with interest  
24 and penalties thereon, may be assessed or an action to collect  
25 such contributions may be begun at any time. Before the

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1 expiration of such period of limitation, the employer and the  
2 secretary may agree in writing to an extension thereof and the  
3 period so agreed on may be extended by subsequent agreements  
4 in writing. In any case where the assessment has been made  
5 and action to collect has been commenced within four years of  
6 the due date of any contribution, interest or penalty,  
7 including the filing of a warrant of lien by the secretary  
8 pursuant to Section 51-1-36 NMSA 1978, such action shall not  
9 be subject to any period of limitation.

10 M. The secretary shall correct any error in the  
11 determination of an employer's rate of contribution during the  
12 calendar year to which the erroneous rate applies,  
13 notwithstanding that notification of the employer's rate of  
14 contribution may have been issued and contributions paid  
15 pursuant to the notification. Upon issuance by the division  
16 of a corrected rate of contribution, the employer shall have  
17 the same rights to review and redetermination as provided in  
18 Subsection J of this section.

19 N. Any interest required to be paid on advances to  
20 this state's unemployment compensation fund under Title 12 of  
21 the Social Security Act shall be paid in a timely manner as  
22 required under Section 1202 of Title 12 of the Social Security  
23 Act and shall not be paid, directly or indirectly, by the  
24 state from amounts in the state's unemployment compensation  
25 fund."

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