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HOUSE BILL 44

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2011

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO THE UNEMPLOYMENT COMPENSATION STATE ADVISORY
COUNCIL; PROVIDING FOR APPOINTMENT OF COUNCIL MEMBERS;
DIRECTING THE COUNCIL TO MAKE RECOMMENDATIONS TO THE
LEGISLATURE AND THE GOVERNOR; PROVIDING FOR PER DIEM AND
MILEAGE FOR COUNCIL MEMBERS; PROVIDING FOR A TRANSITION OF
COUNCIL MEMBERSHIP; DECLARING AN EMERGENCY.

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

SECTION 1. Section 51-1-25 NMSA 1978 (being Laws 1959,
Chapter 321, Section 5, as amended) is amended to read:

"51-1-25. ~~[ADVISORY COUNCILS.--The secretary shall
appoint a state advisory council composed in each case of men
and women and including an equal number of employer and
employee representatives who are representative because of
their vocation, employment or affiliations and such members~~

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1 ~~representing the general public as the secretary designates.]~~

2 STATE UNEMPLOYMENT ADVISORY COUNCIL.--

3 A. There is created a "state unemployment advisory
4 council" consisting of nine members. The secretary or the
5 secretary's designee shall serve as an ex-officio voting
6 member. The remaining eight members shall be appointed so as
7 to ensure representation of the state's demographics, including
8 geographic distribution, gender and ethnic diversity, and as
9 follows:

10 (1) two members appointed by the president pro
11 tempore of the senate;

12 (2) two members appointed by the minority
13 leader of the senate;

14 (3) two members appointed by the speaker of
15 the house of representatives; and

16 (4) two members appointed by the minority
17 leader of the house of representatives.

18 B. Initially, appointing entities shall choose one
19 member for a two-year term and one member for a four-year term.

20 After the initial appointments, all appointed members shall
21 serve four-year terms. Terms shall expire on January 1.

22 Appointed members shall serve until their successors are
23 appointed. A vacancy occurring other than by expiration of

24 term shall be filled in the same manner as the original
25 appointment, but only for the unexpired term.

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1 C. Members of the council shall elect a chair from
2 among the membership of the council. The council shall meet at
3 the call of the chair at least four times per year.

4 D. A majority of the members currently serving
5 constitutes a quorum of the council.

6 E. Staff for the council shall be provided by the
7 department.

8 F. The council shall aid the department in
9 formulating policies and discussing problems relating to the
10 administration of the Unemployment Compensation Law and in
11 assuring impartiality and freedom from political influence in
12 the solution of such problems. [~~The secretary may also appoint~~
13 ~~industry or other special councils to perform appropriate~~
14 ~~services. Council members shall serve without compensation~~
15 ~~other than for wage loss sustained for attendance at formal~~
16 ~~meetings of the council or duly constituted committees.~~
17 ~~Members shall be reimbursed for any travel expense incurred in~~
18 ~~the same manner as employees of the department.]~~

19 G. On or before November 1 of each year, the
20 council shall present recommendations to the legislature and
21 the governor for the furtherance of the purposes of the
22 Unemployment Compensation Law and for any changes necessary to
23 maintain the soundness of the unemployment compensation fund.
24 In preparing the recommendations, the council shall consider
25 the following objectives:

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1 (1) refining the formula for determining
2 contribution rate schedules that determine an employer's
3 contribution to the unemployment compensation fund each
4 calendar year;

5 (2) reevaluating and restructuring the
6 contribution rate schedules and the employer experience rating
7 banding within each contribution rate schedule;

8 (3) adding a ceiling and floor mechanism that
9 adjusts if the unemployment compensation fund reaches a high
10 balance or is near insolvency; and

11 (4) determining a target unemployment
12 compensation fund balance or ratio.

13 H. Members of the council shall receive per diem
14 and mileage as provided for nonsalaried public officers in the
15 Per Diem and Mileage Act and shall receive no other
16 compensation, perquisite or allowance.

17 I. Members of the council are public employees
18 within the meaning of the Tort Claims Act and are entitled to
19 all immunity and indemnification provided under that act."

20 SECTION 2. TEMPORARY PROVISION--TRANSITION MEMBERSHIP OF
21 ADVISORY COUNCIL.--

22 A. On January 1, 2012, any state unemployment
23 advisory council members who did not become members pursuant to
24 Section 1 of this act shall no longer be a member of the state
25 advisory council or the state unemployment advisory council.

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