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AN ACT
RELATING TO UNEMPLOYMENT COMPENSATION; PROVIDING CERTAIN
EXTENDED UNEMPLOYMENT BENEFITS.

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

SECTION 1. Section 51-1-48 NMSA 1978 (being Laws 1971,
Chapter 209, Section 7, as amended) is amended to read:

"51-1-48. DEFINITIONS--EXTENDED BENEFITS.--

A. As used in this section, unless the context
clearly requires otherwise, "extended benefit period" means a
period that:

(1) begins with the third week after a week
for which there is a state "on indicator";

(2) ends with either of the following weeks,
whichever occurs later:

(a) the third week after the first week
for which there is a state "off indicator"; or

(b) the thirteenth consecutive week of
such period; and

(3) does not begin by reason of a state "on
indicator" before the fourteenth week following the end of a
prior extended benefit period that was in effect with respect
to this state.

B. There is a state "on indicator" for this state
for a week if the rate of insured unemployment not seasonally

1 adjusted under this section for the period consisting of that
2 week and the immediately preceding twelve weeks:

3 (1) equaled or exceeded one hundred twenty
4 percent of the average of the rates for the corresponding
5 thirteen-week period ending in each of the preceding two
6 calendar years; and

7 (2) equaled or exceeded five percent; or

8 (3) equaled or exceeded six percent,
9 regardless of the rate of insured unemployment in the two
10 previous years; provided that the operation of this paragraph
11 shall not activate the state "on indicator" any time after
12 four weeks prior to the last week for which one hundred
13 percent federal sharing funding is available under
14 Section 2005(a) of Public Law No. 111-5, without regard to
15 the extension of federal sharing for certain claims as
16 provided under Section 2005(c) of that law; or

17 (4) with respect to benefits for weeks of
18 unemployment beginning on or after the effective date of this
19 2021 act:

20 (a) the average rate of total
21 unemployment, seasonally adjusted, as determined by the
22 United States secretary of labor, for the period consisting
23 of the most recent three months for which data for all states
24 are published before the close of such week equals or exceeds
25 six and one-half percent; and

1 (b) the average rate of total
2 unemployment in this state, seasonally adjusted, as
3 determined by the United States secretary of labor, for the
4 three-month period referred to in Subparagraph (a) of this
5 paragraph, equals or exceeds one hundred ten percent of such
6 average for either or both of the corresponding three-month
7 periods ending in the two preceding calendar years.

8 C. There is a state "off indicator" for this state
9 for a week only if, for the period consisting of that week
10 and the immediately preceding twelve weeks, none of the
11 options specified in Subsection B of this section result in a
12 state "on indicator".

13 D. Except as provided in Subsection E of this
14 section, the total extended benefit amount payable to an
15 eligible individual with respect to the applicable benefit
16 year shall be the least of the following amounts:

17 (1) fifty percent of the total amount of
18 regular benefits that were payable to the individual pursuant
19 to this section in the individual's applicable benefit year;

20 (2) thirteen times the individual's average
21 weekly benefit amount that was payable to the individual
22 pursuant to this section for a week of total unemployment in
23 the applicable benefit year; or

24 (3) thirty-nine times the individual's
25 average weekly benefit amount that was payable to the

1 individual pursuant to this section for a week of total
2 unemployment in the applicable benefit year, reduced by the
3 total amount of regular benefits that were paid, or deemed
4 paid, to the individual pursuant to this section with respect
5 to the benefit year; provided that the amount determined
6 pursuant to this paragraph shall be reduced by the total
7 amount of additional benefits paid, or deemed paid, to the
8 individual under the provisions of this section for weeks of
9 unemployment in the individual's benefit year that began
10 prior to the effective date of the extended benefit period
11 that is current in the week for which the individual first
12 claims extended benefits; and provided further, if the
13 benefit year of the individual ends within an extended
14 benefit period, the remaining balance of the extended
15 benefits that the individual would, but for this paragraph,
16 be entitled to receive in that extended benefit period, with
17 respect to weeks of unemployment beginning after the end of
18 the benefit year, shall be reduced, but not below zero, by
19 the product of the number of weeks for which the individual
20 received any amounts as readjustment allowances within that
21 benefit year multiplied by the individual weekly benefit
22 amount for extended benefits.

23 E. Effective with respect to weeks beginning in a
24 high-unemployment period, the total extended benefit amount
25 payable to an eligible individual with respect to the

1 applicable benefit year shall be the least of the following
2 amounts:

3 (1) eighty percent of the total amount of
4 regular benefits that were payable to the individual pursuant
5 to this section in the individual's applicable benefit year;

6 (2) twenty times the individual's average
7 weekly benefit amount that was payable to the individual
8 pursuant to this section for a week of total unemployment in
9 the applicable benefit year; or

10 (3) forty-six times the individual's average
11 weekly benefit amount that was payable to the individual
12 pursuant to this section for a week of total unemployment in
13 the applicable benefit year reduced by the total amount of
14 regular benefits that were paid, or deemed paid, to the
15 individual pursuant to this section with respect to the
16 benefit year; provided that the amount determined pursuant to
17 this paragraph shall be reduced by the total amount of
18 additional benefits paid, or deemed paid, to the individual
19 under the provisions of this section for weeks of
20 unemployment in the individual's benefit year that began
21 prior to the effective date of the extended benefit period
22 that is current in the week for which the individual first
23 claims extended benefits; and provided further, if the
24 benefit year of an individual ends within an extended benefit
25 period, the remaining balance of the extended benefits that

1 the individual would, but for this paragraph, be entitled to
2 receive in that extended benefit period, with respect to
3 weeks of unemployment beginning after the end of the benefit
4 year, shall be reduced, but not below zero, by the product of
5 the number of weeks for which the individual received any
6 amounts as readjustment allowances within that benefit year
7 multiplied by the individual weekly benefit amount for
8 extended benefits.

9 F. For purposes of Subsection E of this section,
10 "high-unemployment period" means a period during which an
11 extended benefit period would be in effect if Paragraph (4)
12 of Subsection B of this section were applied by substituting
13 "eight percent" for "six and one-half percent".

14 G. A benefit paid to an individual pursuant to
15 this section shall be charged pursuant to Subsection A of
16 Section 51-1-11 NMSA 1978.

17 H. As used in this section:

18 (1) "rate of insured unemployment" means the
19 percentage derived by dividing:

20 (a) the average weekly number of
21 individuals filing claims for regular benefits in this state
22 for weeks of unemployment with respect to the most recent
23 thirteen-consecutive-week period, as determined by the
24 secretary on the basis of the secretary's reports to the
25 United States secretary of labor; by

1 (b) the average monthly employment
2 covered under the Unemployment Compensation Law for the first
3 four of the most recent six completed calendar quarters
4 ending before the end of such thirteen-week period;

5 (2) "regular benefits" means benefits
6 payable to an individual under the Unemployment Compensation
7 Law or under any other state law, including benefits payable
8 to federal civilian employees and to ex-servicemen pursuant
9 to 5 U.S.C., Chapter 85, other than extended benefits;

10 (3) "extended benefits" means benefits,
11 including benefits payable to federal civilian employees and
12 to ex-servicemen pursuant to 5 U.S.C., Chapter 85, payable to
13 an individual under the provisions of this section for weeks
14 of unemployment in the individual's eligibility period;

15 (4) "eligibility period" of an individual
16 means the period consisting of the weeks in the individual's
17 benefit year that begin in an extended benefit period and, if
18 the individual's benefit year ends within such extended
19 benefit period, any weeks thereafter that begin in such
20 period;

21 (5) "exhaustee" means an individual who,
22 with respect to any week of unemployment in the individual's
23 eligibility period:

24 (a) has received, prior to such week,
25 all of the regular benefits that were available to the

1 individual under the Unemployment Compensation Law or any
2 other state law, including dependent's allowance and benefits
3 payable to federal civilian employees and ex-servicemen under
4 5 U.S.C., Chapter 85, in the individual's current benefit
5 year that includes such week; provided that, for the purposes
6 of this subparagraph, an individual shall be deemed to have
7 received all of the regular benefits that were available to
8 the individual, although, as a result of a pending appeal
9 with respect to wages that were not considered in the
10 original monetary determination in the individual's benefit
11 year, the individual may subsequently be determined to be
12 entitled to added regular benefits; or

13 (b) if the individual's benefit year
14 has expired prior to such week, has no, or insufficient,
15 wages on the basis of which the individual could establish a
16 new benefit year that would include such week; and

17 (c) has no right to unemployment
18 benefits or allowances, as the case may be, under the
19 Railroad Unemployment Insurance Act, the Trade Expansion Act
20 of 1962, the Trade Act of 1974, the Automotive Products Trade
21 Act of 1965 and such other federal laws as are specified in
22 regulations issued by the United States secretary of labor;
23 and has not received and is not seeking unemployment benefits
24 under the unemployment compensation law of Canada, but if the
25 individual is seeking such benefits and the appropriate

1 agency finally determines that the individual is not entitled
2 to benefits under such law, the individual is considered an
3 exhaustee; and

4 (6) "state law" means the unemployment
5 insurance law of any state, approved by the United States
6 secretary of labor under Section 3304 of the Internal Revenue
7 Code of 1986."

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