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

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

   (2) equaled or exceeded five percent; or

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

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

       (a) the average rate of total
unemployment, seasonally adjusted, as determined by the
United States secretary of labor, for the period consisting
of the most recent three months for which data for all states
are published before the close of such week equals or exceeds
six and one-half percent; and
(b) the average rate of total
unemployment in this state, seasonally adjusted, as
determined by the United States secretary of labor, for the
three-month period referred to in Subparagraph (a) of this
paragraph, equals or exceeds one hundred ten percent of such
average for either or both of the corresponding three-month
periods ending in the two preceding calendar years.

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

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

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

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

   (3) thirty-nine times the individual's
average weekly benefit amount that was payable to the
individual pursuant to this section for a week of total
unemployment in the applicable benefit year, reduced by the
total amount of regular benefits that were paid, or deemed
paid, to the individual pursuant to this section with respect
to the benefit year; provided that the amount determined
pursuant to this paragraph shall be reduced by the total
amount of additional benefits paid, or deemed paid, to the
individual under the provisions of this section for weeks of
unemployment in the individual's benefit year that began
prior to the effective date of the extended benefit period
that is current in the week for which the individual first
claims extended benefits; and provided further, if the
benefit year of the individual ends within an extended
benefit period, the remaining balance of the extended
benefits that the individual would, but for this paragraph,
be entitled to receive in that extended benefit period, with
respect to weeks of unemployment beginning after the end of
the benefit year, shall be reduced, but not below zero, by
the product of the number of weeks for which the individual
received any amounts as readjustment allowances within that
benefit year multiplied by the individual weekly benefit
amount for extended benefits.

E. Effective with respect to weeks beginning in a
high-unemployment period, the total extended benefit amount
payable to an eligible individual with respect to the
applicable benefit year shall be the least of the following amounts:

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

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

(3) forty-six times the individual's average weekly benefit amount that was payable to the individual pursuant to this section for a week of total unemployment in the applicable benefit year reduced by the total amount of regular benefits that were paid, or deemed paid, to the individual pursuant to this section with respect to the benefit year; provided that the amount determined pursuant to this paragraph shall be reduced by the total amount of additional benefits paid, or deemed paid, to the individual under the provisions of this section for weeks of unemployment in the individual's benefit year that began prior to the effective date of the extended benefit period that is current in the week for which the individual first claims extended benefits; and provided further, if the benefit year of an individual ends within an extended benefit period, the remaining balance of the extended benefits that
the individual would, but for this paragraph, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced, but not below zero, by the product of the number of weeks for which the individual received any amounts as readjustment allowances within that benefit year multiplied by the individual weekly benefit amount for extended benefits.

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

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

H. As used in this section:

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

(a) the average weekly number of individuals filing claims for regular benefits in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the secretary on the basis of the secretary's reports to the United States secretary of labor; by
(b) the average monthly employment covered under the Unemployment Compensation Law for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period;

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

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

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

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

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

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

(c) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Trade Act of 1974, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the United States secretary of labor; and has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada, but if the individual is seeking such benefits and the appropriate
agency finally determines that the individual is not entitled
to benefits under such law, the individual is considered an
exhaustee; and

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