

**SUBSTITUTE FOR
HOUSE BILL NO. 4545**

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending section 11 (MCL 421.11), as amended by 2011 PA 269.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (a) In the administration of this act, the ~~commission~~
2 **UNEMPLOYMENT AGENCY** shall cooperate with the appropriate agency of
3 the United States under the social security act. The ~~commission~~
4 **UNEMPLOYMENT AGENCY** shall make reports, in a form and containing
5 information as the appropriate agency of the United States may
6 require, and shall comply with the provisions that the appropriate
7 agency of the United States prescribes to assure the correctness
8 and verification of the reports. The ~~commission~~, **UNEMPLOYMENT**
9 **AGENCY**, subject to this act, shall comply with the regulations
10 prescribed by the appropriate agency of the United States relating

1 to the receipt or expenditure of the sums that are allotted and
 2 paid to this state for the purpose of assisting in the
 3 administration of this act. As used in this section, "social
 4 security act" means the social security act, ~~chapter 531, 49 Stat.~~
 5 ~~620-42 USC 301 TO 1397MM.~~

6 (b) (1) Information obtained from ~~any~~-**AN** employing unit or
 7 individual pursuant to the administration of this act and
 8 determinations as to the benefit rights of any individual are
 9 confidential and ~~shall~~-**MUST** not be disclosed or open to public
 10 inspection other than to public employees and public officials in
 11 the performance of their official duties under this act and to
 12 agents or contractors of those public officials, including those
 13 described in ~~subdivision~~-**SUBPARAGRAPH** (viii), in ~~any~~-**A** manner that
 14 reveals the individual's or the employing unit's identity or any
 15 identifying particular about ~~any~~-**AN** individual or ~~any~~-**A** past or
 16 present employing unit or that could foreseeably be combined with
 17 other publicly available information to reveal identifying
 18 particulars. However, all of the following apply:

19 (i) Information in the ~~commission's~~-**UNEMPLOYMENT AGENCY'S**
 20 possession that might affect a claim for worker's disability
 21 compensation under the worker's disability compensation act of
 22 1969, 1969 PA 317, MCL 418.101 to 418.941, ~~shall~~-**MUST** be available
 23 to interested parties as defined in R 421.201 of the Michigan
 24 ~~administrative code,~~-**ADMINISTRATIVE CODE**, regardless of whether the
 25 ~~commission~~-**UNEMPLOYMENT AGENCY** is a party to an action or
 26 proceeding arising under that act.

27 (ii) Any information in the ~~commission's~~-**UNEMPLOYMENT AGENCY'S**

1 possession that ~~may~~**MIGHT** affect a claim for benefits or a charge
2 to an employer's experience account ~~shall~~**MUST** be available to
3 interested parties as defined in R 421.201 of the Michigan
4 ~~administrative code,~~**ADMINISTRATIVE CODE**, and to their agents, if
5 their agents provide the unemployment insurance agency with a
6 written authorization of representation from the party represented.
7 A written authorization of representation is not required in any of
8 the following circumstances:

9 (A) If the request is made by an attorney who is retained by
10 an interested party and files an appearance for purposes related to
11 a claim for unemployment benefits.

12 (B) If the request is made by an elected official performing
13 constituent services and the elected official presents reasonable
14 evidence that the identified individual authorized the disclosure.

15 (C) If the request is made by a third party who is not acting
16 as an agent for an interested party and the third party presents a
17 release from an interested party for the information. The release
18 ~~shall~~**MUST** be signed by an interested party; specify the
19 information to be released and all individuals who may receive the
20 information; and state the specific purpose for which the
21 information is sought, that files of the state may be accessed to
22 obtain the information, and that the information sought will only
23 be used for the purpose indicated. The purpose specified in the
24 release ~~shall~~**MUST** be limited to that of providing a service or
25 benefit to the individual signing the release or carrying out
26 administration or evaluation of a public program to which the
27 release pertains.

1 (iii) Except as provided in this act, the information and
 2 determinations ~~shall~~**MUST** not be used in any action or proceeding
 3 before any court or administrative tribunal unless the ~~commission~~
 4 **UNEMPLOYMENT AGENCY** is a party to or a complainant in the action or
 5 proceeding, or unless used for the prosecution of fraud, civil
 6 proceeding, or other legal proceeding in the programs indicated in
 7 subdivision (2).

8 (iv) Any report or statement, written or verbal, made by any
 9 person to the ~~commission~~,**UNEMPLOYMENT AGENCY**, any member of the
 10 ~~commission~~,**UNEMPLOYMENT AGENCY**, or ~~to~~any person engaged in
 11 administering this act is a privileged communication; ~~and~~ a
 12 person, firm, or corporation ~~shall~~**IS** not ~~be held~~ liable for
 13 slander or libel on account of a report or statement. The records
 14 and reports in the custody of the ~~commission~~**shall****UNEMPLOYMENT**
 15 **AGENCY MUST** be available for examination by the employer or
 16 employee affected.

17 (v) Subject to restrictions that the ~~commission~~**UNEMPLOYMENT**
 18 **AGENCY** prescribes by rule, information in ~~the commission's~~**ITS**
 19 possession may be made available to any agency of this state, any
 20 other state, or any federal agency charged with the administration
 21 of an unemployment compensation law or the maintenance of a system
 22 of public employment offices; the ~~bureau of internal revenue~~**BUREAU**
 23 **OF INTERNAL REVENUE** of the United States ~~department of the~~
 24 ~~treasury~~;**DEPARTMENT OF THE TREASURY**; the ~~bureau of the census~~
 25 **BUREAU OF THE CENSUS** of the ~~economics and statistics administration~~
 26 **ECONOMICS AND STATISTICS ADMINISTRATION** of the United States
 27 ~~department of commerce~~;**DEPARTMENT OF COMMERCE**; or the ~~social~~

1 ~~security administration of the United States department of health~~
2 ~~and human services.~~ **UNITED STATES SOCIAL SECURITY ADMINISTRATION.**

3 (vi) Information obtained in connection with the
4 administration of this act may be made available to persons or
5 agencies for purposes appropriate to the operation of a public
6 employment service or unemployment compensation program. Subject to
7 restrictions that ~~the commission~~ **IT** prescribes by rule, the
8 ~~commission~~ **UNEMPLOYMENT AGENCY** may also make that information
9 available to agencies of other states that are responsible for the
10 administration of public assistance to unemployed workers; to the
11 departments of this state; and to federal, state, and local law
12 enforcement agencies in connection with a criminal investigation
13 involving the health, safety, or welfare of the public. ~~Information~~
14 ~~so~~ **THE INFORMATION** released ~~shall~~ **MUST** be used only for purposes
15 not inconsistent with the purposes of this act. The information
16 ~~shall~~ **MUST** only be released upon assurance by the entity receiving
17 the information that it will reimburse the cost of providing the
18 information and will not disclose the information except to the
19 individual or employer that is the subject of the information, an
20 attorney or agent of the individual or employer, or a prosecuting
21 authority for or on behalf of the entity receiving the information.

22 (vii) Upon request, the ~~commission~~ **UNEMPLOYMENT AGENCY** shall
23 furnish to any agency of the United States charged with the
24 administration of public works or assistance through public
25 employment, and may furnish to any state agency similarly charged,
26 the name, address, ordinary occupation, and employment status of
27 each recipient of benefits and the recipient's rights to further

1 benefits under this act.

2 (viii) Subject to restrictions ~~the commission~~ **IT** prescribes,
3 by rule or otherwise, the ~~commission~~ **UNEMPLOYMENT AGENCY** may also
4 make information that it obtains available for use in connection
5 with research projects of a public service nature; ~~to a college,~~
6 ~~university, or~~ **FOR COURSE, PROGRAM, OR TRAINING PROGRAM PLANNING,**
7 **IMPROVEMENT, OR EVALUATION; FOR GRANT APPLICATION OR EVALUATION;**
8 **FOR INSTITUTIONAL OR PROGRAM ACCREDITATION; FOR ECONOMIC**
9 **DEVELOPMENT OR WORKFORCE RESEARCH; FOR AWARD ELIGIBILITY; OR FOR**
10 **FEDERAL OR STATE MANDATED REPORTING, TO AN INSTITUTION OF HIGHER**
11 **EDUCATION, INTERMEDIATE SCHOOL DISTRICT, OR MICHIGAN WORKS AGENCY**
12 **OR TO AN** agency of this state that is acting as a contractor or
13 agent of a public official and conducting research that assists the
14 public official in carrying out the duties of the office. **THE**
15 **UNEMPLOYMENT AGENCY SHALL IDENTIFY ONLINE THE INFORMATION THAT IT**
16 **COLLECTS THAT MAY BE MADE AVAILABLE TO INSTITUTIONS OF HIGHER**
17 **EDUCATION, INTERMEDIATE SCHOOL DISTRICTS, AND MICHIGAN WORKS**
18 **AGENCIES AND TO ASSIST THEM IN THE APPLICATION PROCESS REQUIRED TO**
19 **GAIN ACCESS TO THAT INFORMATION.** A person associated with those
20 institutions or agencies **OR AN AGENCY OF THIS STATE** shall not
21 disclose the information in ~~any~~ **A** manner that would reveal the
22 identity of ~~any~~ **AN** individual or employing unit from or concerning
23 whom the information was obtained by the ~~commission~~. **UNEMPLOYMENT**
24 **AGENCY.** The unemployment ~~insurance~~ agency shall enter into a
25 written, enforceable agreement with the public official **OR AN**
26 **EMPLOYEE AUTHORIZED BY THE INSTITUTION OF HIGHER EDUCATION,**
27 **INTERMEDIATE SCHOOL DISTRICT, OR MICHIGAN WORKS AGENCY FOR A PERIOD**

1 **OF NOT MORE THAN 10 YEARS** that holds the **PUBLIC** official **OR**
 2 **AUTHORIZED EMPLOYEE** responsible for ensuring that the ~~agent or~~
 3 ~~contractor maintains the confidentiality of the information~~ **IS**
 4 **MAINTAINED**. If the agreement is violated, the agreement ~~shall~~ **MUST**
 5 be terminated and the public official **OR AUTHORIZED EMPLOYEE** may be
 6 subject to penalties equivalent to those that apply under section
 7 54(f) to a person associated with ~~a college, university, AN~~
 8 **INSTITUTION OF HIGHER EDUCATION, INTERMEDIATE SCHOOL DISTRICT,**
 9 **MICHIGAN WORKS AGENCY,** or public agency who discloses confidential
 10 information. **AS USED IN THIS SUBPARAGRAPH:**

11 (A) "INSTITUTION OF HIGHER EDUCATION" MEANS THAT TERM AS
 12 DEFINED IN SECTION 53.

13 (B) "INTERMEDIATE SCHOOL DISTRICT" MEANS THAT TERM AS DEFINED
 14 IN SECTION 4 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.4.

15 (C) "MICHIGAN WORKS AGENCY" MEANS THAT TERM AS DEFINED IN
 16 SECTION 3 OF THE MICHIGAN WORKS ONE-STOP SERVICE CENTER SYSTEM ACT,
 17 2006 PA 491, MCL 408.113.

18 (ix) The ~~commission~~ **UNEMPLOYMENT AGENCY** may request the
 19 ~~comptroller~~ **COMPTROLLER** of the ~~currency~~ **CURRENCY** of the United
 20 States to cause an examination of the correctness of any return or
 21 report of any national banking association rendered under this act,
 22 and may, in connection with the request, transmit the report or
 23 return to the ~~comptroller~~ **COMPTROLLER** of the ~~currency~~ **CURRENCY** of
 24 the United States as provided in section 3305(c) of the internal
 25 revenue code of 1986, 26 USC 3305(c).

26 (2) The ~~commission~~ **UNEMPLOYMENT AGENCY** shall disclose to
 27 qualified requesting agencies, upon request, with respect to an

1 identified individual, information in its records pertaining to the
2 individual's name; social security number; gross wages paid during
3 each quarter; the name, address, and federal and state employer
4 identification number of the individual's employer; any other wage
5 information; whether an individual is receiving, has received, or
6 has applied for unemployment benefits; the amount of unemployment
7 benefits the individual is receiving or is entitled to receive; the
8 individual's current or most recent home address; whether the
9 individual has refused an offer of work and if so a description of
10 the job offered including the terms, conditions, and rate of pay;
11 and any other information ~~which~~ **THAT** the qualified requesting
12 agency considers useful in verifying eligibility for, and the
13 amount of, benefits. For purposes of this subdivision, "qualified
14 requesting agency" means any state or local child support
15 enforcement agency responsible for enforcing child support
16 obligations under a plan approved under part d of title IV of the
17 social security act, 42 USC 651 to 669b; the United States
18 ~~department of health and human services~~ **SOCIAL SECURITY**
19 **ADMINISTRATION** for purposes of establishing or verifying
20 eligibility or benefit amounts under titles II and XVI of the
21 social security act, 42 USC 401 to 434 and 42 USC 1381 to 1383f;
22 the United States ~~department of agriculture~~ **DEPARTMENT OF**
23 **AGRICULTURE** for the purposes of determining eligibility for, and
24 amount of, benefits under the food stamp program established under
25 the food stamp act of 1977, 7 USC 2011 to ~~2036~~; **2036C**; and any
26 other state or local agency of this or any other state responsible
27 for administering the following programs:

1 (i) The aid to families with dependent children program under
2 part a of title IV of the social security act, 42 USC 601 to 619.

3 (ii) The ~~medicaid~~ **MEDICAID** program under title XIX of the
4 social security act, 42 USC 1396 to ~~1396v~~ **1396W-5**.

5 (iii) The unemployment compensation program under section 3304
6 of the internal revenue code of 1986, 26 USC 3304.

7 (iv) The food stamp program under the food stamp act of 1977,
8 7 USC 2011 to ~~2036~~ **2036C**.

9 (v) Any state program under a plan approved under title I, X,
10 XIV, or XVI of the social security act, 42 USC 301 to 306, 42 USC
11 1201 to 1206, 42 USC 1351 to 1355, and 42 USC 1381 to 1383f.

12 (vi) Any program administered under the social welfare act,
13 1939 PA 280, MCL 400.1 to 400.119b.

14 The information ~~shall~~ **MUST** be disclosed only if the qualified
15 requesting agency has executed an agreement with the ~~commission~~
16 **UNEMPLOYMENT AGENCY** to obtain the information and ~~if~~ the
17 information is requested for the purpose of determining the
18 eligibility of applicants for benefits, or the type and amount of
19 benefits for which applicants are eligible, under any of the
20 programs listed above or under title II and XVI of the social
21 security act, 42 USC 401 to 434 and 42 USC 1381 to 1383f; for
22 establishing and collecting child support obligations from, and
23 locating individuals owing such obligations that are being enforced
24 under a plan described in section 454 of the social security act,
25 42 USC 654; or for investigating or prosecuting alleged fraud under
26 any of these programs.

27 The ~~commission~~ **UNEMPLOYMENT AGENCY** shall cooperate with the

1 **THIS STATE'S** department of **HEALTH AND** human services in
2 establishing the computer data matching system authorized in
3 section 83 of the social welfare act, 1939 PA 280, MCL 400.83, to
4 transmit the information requested on at least a quarterly basis.
5 The information ~~shall~~**MUST** not be released unless the qualified
6 requesting agency agrees to reimburse the ~~commission~~**UNEMPLOYMENT**
7 **AGENCY** for the costs incurred in furnishing the information.

8 In addition to the requirements of this section, except as
9 later provided in this subdivision, all other requirements with
10 respect to confidentiality of information obtained in the
11 administration of this act apply to the use of the information by
12 the officers and employees of the qualified requesting agencies,
13 and the sanctions imposed under this act for improper disclosure of
14 the information apply to those officers and employees. A qualified
15 requesting agency may redisclose information only to the individual
16 who is the subject of the information, an attorney or other duly
17 authorized agent representing the individual if the information is
18 needed in connection with a claim for benefits against the
19 requesting agency, or any criminal or civil prosecuting authority
20 acting for or on behalf of the requesting agency.

21 The ~~commission is authorized to~~**UNEMPLOYMENT AGENCY MAY** enter
22 into an agreement with any qualified requesting agency for the
23 purposes described in this subdivision. The agreement or agreements
24 ~~shall~~**MUST** comply with all federal laws and regulations applicable
25 to ~~such~~**THOSE** agreements.

26 (3) The ~~commission~~**UNEMPLOYMENT AGENCY** shall enable the United
27 States ~~department of health and human services~~**DEPARTMENT OF HEALTH**

1 **AND HUMAN SERVICES** to obtain prompt access to any wage and
 2 unemployment benefit claims information, including any information
 3 that may be useful in locating an absent parent or an absent
 4 parent's employer ~~for~~ purposes of section 453 of the social
 5 security act, 42 USC 653, **OR** in carrying out the child support
 6 enforcement program under title IV of the social security act, 42
 7 USC 601 to ~~679b. Access~~ **679C. THE UNEMPLOYMENT AGENCY SHALL NOT**
 8 **PROVIDE THE REQUESTING AGENCY ACCESS** to the information ~~shall not~~
 9 ~~be provided~~ unless the requesting agency agrees to reimburse the
 10 ~~commission~~ **UNEMPLOYMENT AGENCY** for the costs incurred in furnishing
 11 the information.

12 (4) Upon request accompanied by presentation of a consent to
 13 the release of information signed by an individual, the ~~commission~~
 14 **UNEMPLOYMENT AGENCY** shall disclose to the United States ~~department~~
 15 ~~of housing and urban development,~~ **DEPARTMENT OF HOUSING AND URBAN**
 16 **DEVELOPMENT**, any state or local public housing agency, or an entity
 17 contracting with a state or local public housing agency to provide
 18 public housing, or any other agency responsible for verifying an
 19 applicant's or participant's eligibility for, or level of benefits
 20 in, any housing assistance program administered by the United
 21 States ~~department of housing and urban development,~~ **DEPARTMENT OF**
 22 **HOUSING AND URBAN DEVELOPMENT**, the name; ~~the~~ address; ~~the~~ wage
 23 information; ~~whether~~ whether an individual is receiving, has received, or
 24 has applied for unemployment benefits; ~~and~~ and the amount of
 25 unemployment benefits the individual is receiving or is entitled to
 26 receive under this act. This information ~~shall~~ **MUST** be used only to
 27 determine an individual's eligibility for benefits or the amount of

1 benefits to which an individual is entitled under a housing
2 assistance program of the United States ~~department of housing and~~
3 ~~urban development.~~ **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.** The
4 ~~information~~ **UNEMPLOYMENT AGENCY** shall not be released ~~RELEASE THE~~
5 **INFORMATION** unless the requesting agency agrees to reimburse the
6 ~~commission~~ **UNEMPLOYMENT AGENCY** for the costs incurred in furnishing
7 the information. For purposes of this subdivision, "public housing
8 agency" means an agency described in section 3(b)(6) of the United
9 States housing act of 1937, 42 USC 1437a(b)(6).

10 (5) The ~~commission~~ **UNEMPLOYMENT AGENCY** may make available to
11 the department of treasury information collected for the income and
12 eligibility verification system begun on October 1, 1988 for the
13 purpose of detecting potential tax fraud in other areas.

14 (6) A recipient of confidential information under this act
15 shall use the disclosed information only for purposes authorized by
16 law and consistent with an agreement entered into with the
17 unemployment ~~insurance~~ agency. The recipient shall not redisclose
18 the information to any other individual or entity without the
19 written permission of the unemployment ~~insurance~~ agency.

20 (c) The ~~commission~~ **UNEMPLOYMENT AGENCY** may enter into
21 agreements with the appropriate agencies of other states or the
22 federal government ~~whereby~~ **UNDER WHICH** potential rights to benefits
23 accumulated under the unemployment compensation laws of other
24 states or of the federal government, or both, may constitute the
25 basis for the payment of benefits through a single appropriate
26 agency under plans that the ~~commission~~ **UNEMPLOYMENT AGENCY** finds
27 will be fair and reasonable to all affected interests and will not

1 result in substantial loss to the unemployment compensation fund.

2 (d) (1) The ~~commission~~**UNEMPLOYMENT AGENCY** may enter into
3 reciprocal agreements with the appropriate agencies of other states
4 or of the federal government ~~adjusting~~**THAT ADJUST** the collection
5 and payment of contributions by employers with respect to
6 employment not localized within this state.

7 (2) The ~~commission~~**UNEMPLOYMENT AGENCY** may enter into
8 reciprocal agreements with agencies of other states administering
9 unemployment compensation, ~~whereby~~**UNDER WHICH** contributions paid
10 by an employer to any other state may be received by the other
11 state as an agent acting for and on behalf of this state to the
12 same extent as if the contributions had been paid directly to this
13 state if the payment is remitted to this state. Contributions so
14 received by another state ~~shall be~~**ARE** considered contributions,
15 required and paid under this act as of the date the contributions
16 were received by the other state. The ~~commission~~**UNEMPLOYMENT**
17 **AGENCY** may collect contributions in a like manner for agencies of
18 other states administering unemployment compensation and remit the
19 contributions to the agencies under the terms of the reciprocal
20 agreements.

21 (e) The ~~commission~~**UNEMPLOYMENT AGENCY** may make ~~the~~**THIS**
22 state's records relating to the administration of this act
23 available and may furnish to the ~~railroad retirement board~~**RAILROAD**
24 **RETIREMENT BOARD** or any other state or federal agency administering
25 an unemployment compensation law, at the expense of that board, ~~7~~
26 ~~state, or agency,~~ copies of the records as the ~~railroad retirement~~
27 ~~board~~**RAILROAD RETIREMENT BOARD** considers necessary for its

1 purpose.

2 (f) The ~~commission~~**UNEMPLOYMENT AGENCY** may cooperate with or
3 enter into agreements with any agency of another state or of the
4 United States charged with the administration of any unemployment
5 insurance or public employment service law.

6 The ~~commission~~**UNEMPLOYMENT AGENCY** may investigate, secure,
7 and transmit information, make available services and facilities,
8 and exercise other powers provided in this act with respect to the
9 administration of this act as it considers necessary or appropriate
10 to facilitate the administration of any unemployment compensation
11 or public employment service law, and may accept and utilize
12 information, services, and facilities made available to this state
13 by the agency charged with the administration of any other
14 unemployment compensation or public employment service law.

15 On request of an agency that administers an employment
16 security law of another state or **A** foreign government and that has
17 found, in accordance with that law, that a claimant is liable to
18 repay benefits received under that law, the ~~commission~~**UNEMPLOYMENT**
19 **AGENCY** may collect the amount of the benefits from the claimant to
20 be refunded to ~~the~~**THAT** agency.

21 In ~~any~~**A** case in which under this subsection a claimant is
22 liable to repay ~~any~~**AN** amount to the agency of another state or **A**
23 foreign government, the amount may be collected by civil action in
24 the name of the ~~commission~~**UNEMPLOYMENT AGENCY** acting as agent for
25 ~~the~~**THAT** agency. Court costs ~~shall~~**MUST** be paid or guaranteed by
26 the agency of that state.

27 To the extent permissible under the laws and constitution of

1 the United States, the ~~commission~~**UNEMPLOYMENT AGENCY** may enter
2 into or cooperate in arrangements ~~whereby~~**UNDER WHICH** facilities
3 and services provided under this act and facilities and services
4 provided under the unemployment compensation law of Canada may be
5 utilized for the taking of claims and the payment of benefits under
6 the unemployment compensation law of this state or under a similar
7 law of Canada.

8 Any employer who is not a resident of this state and who
9 exercises the privilege of having 1 or more individuals perform
10 service for him or her within this state, and any resident employer
11 who exercises that privilege and thereafter leaves this state, is
12 considered to have appointed the secretary of state as his or her
13 agent and attorney for the acceptance of process in any civil
14 action under this act. In instituting ~~the~~**AN** action, the ~~commission~~
15 **UNEMPLOYMENT AGENCY** shall cause process or notice to be filed with
16 the secretary of state, and the service ~~shall be~~**IS** sufficient and
17 ~~shall be~~ of the same force and validity as if served upon the
18 nonresident or absent employer personally within this state. The
19 ~~commission~~**UNEMPLOYMENT AGENCY SHALL** immediately ~~shall send~~ **A**
20 notice **AND COPY** of the service of process or notice, ~~together with~~
21 ~~a copy thereof,~~ by certified mail, return receipt requested, to the
22 employer at his or her last known address. The return receipt, the
23 ~~commission's~~**UNEMPLOYMENT AGENCY'S** affidavit of compliance with
24 this section, and a copy of the notice of service ~~shall~~**MUST** be
25 attached to the original of the process filed in the court in which
26 the civil action is pending.

27 The courts of this state shall recognize and enforce

1 liabilities, as provided in this act, for unemployment compensation
2 contributions, penalties, and interest imposed by other states that
3 extend a like comity to this state.

4 The attorney general may commence action in the appropriate
5 court of any other state or any other jurisdiction of the United
6 States by and in the name of the ~~commission~~**UNEMPLOYMENT AGENCY** to
7 collect unemployment compensation contributions, penalties, and
8 interest finally determined, redetermined, or decided under this
9 act to be legally due **TO** this state. The officials of other states
10 that extend a like comity to this state may sue in the courts of
11 this state for the collection of unemployment compensation
12 contributions, penalties, and interest, the liability for which has
13 been similarly established under the laws of the other state or
14 jurisdiction. A certificate by the secretary of another state under
15 the great seal of that state attesting the authority of the
16 official or officials to collect unemployment compensation
17 contributions, penalties, and interest is conclusive evidence of
18 that authority.

19 The attorney general may commence action in this state as
20 agent for or on behalf of any other state to enforce judgments and
21 established liabilities for unemployment compensation taxes or
22 contributions, penalties, and interest due the other state if the
23 other state extends a like comity to this state.

24 (g) The ~~commission~~**UNEMPLOYMENT AGENCY** may also enter into
25 reciprocal agreements with the appropriate and authorized agencies
26 of other states or of the federal government ~~whereby~~**UNDER WHICH**
27 remuneration and services that determine entitlement to benefits

1 under the unemployment compensation law of another state or of the
2 federal government are considered wages and employment for the
3 purposes of sections 27 and 46, if the other state **OR FEDERAL**
4 ~~agency or agency of the federal government~~ has agreed to reimburse
5 the fund for that portion of benefits paid under this act upon the
6 basis of the remuneration and services as the ~~commission~~
7 **UNEMPLOYMENT AGENCY** finds will be fair and reasonable as to all
8 affected interests. A reciprocal agreement may provide that wages
9 and employment that determine entitlement to benefits under this
10 act are considered wages or services on the basis of which
11 unemployment compensation under the law of another state or of the
12 federal government is payable; ~~may provide~~ that services performed
13 by an individual for a single employing unit for which services are
14 customarily performed by the individual in more than 1 state are
15 considered services performed entirely within any 1 of the states
16 in which any part of the individual's service is performed, in
17 which the individual has his or her residence, or in which the
18 employing unit maintains a place of business, if there is in
19 effect, as to those services, an election approved by the agency
20 charged with the administration of the state's unemployment
21 compensation law, under which all the services performed by the
22 individual for the employing unit are considered to be performed
23 entirely within ~~the~~ **THIS** state; and ~~may provide~~ that the ~~commission~~
24 **UNEMPLOYMENT AGENCY** will reimburse other state or federal agencies
25 charged with the administration of unemployment compensation laws
26 with ~~such~~ **THE** reasonable portion of benefits, paid under the law of
27 any other state or of the federal government upon the basis of

1 employment and wages, as the ~~commission~~ **UNEMPLOYMENT AGENCY** finds
2 will be fair and reasonable as to all affected interests.
3 Reimbursements payable under this subsection are considered
4 benefits for the purpose of limiting duration of benefits and for
5 the purposes of sections 20(a) and 26, and the payments ~~shall be~~
6 ~~charged~~ **ARE CHARGEABLE** to the contributing employer's experience
7 account for the purposes of sections 17, 18, 19, and 20, or the
8 reimbursing employer's account under section 13c, 13g, 13i, or 13l,
9 as applicable. Benefits paid under a combined wage plan ~~shall~~ **MUST**
10 be allocated and charged to each employer involved in the quarter
11 in which the paying state requires reimbursement. Benefits charged
12 to this state ~~shall~~ **MUST** be allocated to each employer of this
13 state who has employed the claimant during the base period of the
14 paying state in the same ratio that the wages earned by the
15 claimant during the base period of the paying state in the employ
16 of the employer bears to the total amount of wages earned by the
17 claimant in the base period of the paying state in the employ of
18 all employers of the state. The ~~commission is authorized to~~
19 **UNEMPLOYMENT AGENCY MAY** make to ~~other state or federal agencies and~~
20 receive from other state or federal agencies reimbursements from or
21 to the fund, ~~in accordance with~~ **PURSUANT TO** arrangements made under
22 this section.

23 (h) The ~~commission~~ **UNEMPLOYMENT AGENCY** may enter into any
24 agreement necessary to cooperate with any agency of the United
25 States charged with the administration of any program for the
26 payment of primary or supplemental benefits to individuals recently
27 discharged from the military services of the United States, ~~and to~~

1 assist in the establishing of eligibility and in the payments of
2 benefits under those programs. ~~, and~~ **THE UNEMPLOYMENT AGENCY MAY**,
3 for those purposes, ~~may~~ accept and administer funds made available
4 by the federal government and may accept and exercise any delegated
5 function under those programs. The ~~commission~~ **UNEMPLOYMENT AGENCY**
6 shall not enter into ~~any~~ **AN** agreement providing for, or exercise
7 any function connected with, the disbursement of ~~the~~ **THIS** state's
8 unemployment trust fund for purposes not authorized by this act.

9 (i) The ~~commission~~ **UNEMPLOYMENT AGENCY** may enter into
10 agreements with the appropriate agency of the United States under
11 which, in accordance with the laws of the United States, the
12 ~~commission~~, **UNEMPLOYMENT AGENCY**, as agent of the United States or
13 from funds provided by the United States, provides for the payment
14 of unemployment compensation or unemployment allowances of any
15 kind, including the payment of any benefits and allowances that are
16 made available for manpower development, training, retraining,
17 readjustment, and relocation. The ~~commission~~ **UNEMPLOYMENT AGENCY**
18 may receive and disburse funds from the United States or any
19 appropriate agency of the United States ~~in accordance with any such~~
20 **PURSUANT TO THOSE** agreements.

21 If the federal enactment providing for unemployment
22 compensation, training allowance, or relocation payments requires
23 joint federal-state financing of ~~such~~ **THOSE** payments, the
24 ~~commission~~ **UNEMPLOYMENT AGENCY** may participate in the programs by
25 using funds appropriated by the legislature to the extent provided
26 by the legislature for ~~such~~ **THOSE** programs.

27 (j) The ~~commission~~ **UNEMPLOYMENT AGENCY** shall participate in

1 any arrangement that provides for the payment of compensation on
2 the basis of combining an individual's wages and employment covered
3 under this act with his or her wages and employment covered under
4 the unemployment compensation laws of other states, if the
5 arrangement is approved by the United States ~~secretary of labor~~
6 **SECRETARY OF LABOR** in consultation with the state unemployment
7 compensation agencies as reasonably calculated to assure the prompt
8 and full payment of compensation. An arrangement ~~shall~~**MUST** include
9 provisions for both of the following:

10 (i) Applying the base period of a single state law to a claim
11 involving the combining of an individual's wages and employment
12 covered under 2 or more state unemployment compensation laws.

13 (ii) Avoiding the duplicate use of wages and employment as a
14 result of the combining.

15 (k) ~~In a proceeding before any court, the commission and the~~
16 ~~state shall be represented by the~~**THE** attorney general of this
17 state or attorneys designated by the attorney general **SHALL**
18 **REPRESENT THE UNEMPLOYMENT AGENCY AND THIS STATE IN A PROCEEDING**
19 **BEFORE ANY COURT**. Only the attorney general or other attorneys
20 designated by the attorney general shall act as legal counsel for
21 the ~~commission~~**UNEMPLOYMENT AGENCY**.

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.