

SENATE 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 ~~se~~ **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 A PUBLIC OFFICIAL, ELIGIBLE**
11 **EDUCATIONAL INSTITUTION, OR MICHIGAN WORKS AGENCY OR TO AN** agency
12 of this state that is acting as a contractor or agent of a public
13 official and conducting research that assists the public official
14 in carrying out the duties of the office. **THE UNEMPLOYMENT AGENCY**
15 **SHALL IDENTIFY ONLINE THE INFORMATION THAT IT COLLECTS THAT MAY BE**
16 **MADE AVAILABLE TO PUBLIC OFFICIALS, ELIGIBLE EDUCATIONAL**
17 **INSTITUTIONS, AND MICHIGAN WORKS AGENCIES AND SHALL ASSIST THEM IN**
18 **THE APPLICATION PROCESS REQUIRED TO GAIN ACCESS TO THAT**
19 **INFORMATION.** A person associated with those institutions or
20 agencies **OR AN AGENCY OF THIS STATE** shall not disclose the
21 information in ~~any~~ **A** manner that would reveal the identity of ~~any~~
22 **AN** individual or employing unit from or concerning whom the
23 information was obtained by the ~~commission~~. **UNEMPLOYMENT AGENCY.**
24 The unemployment ~~insurance~~ agency shall enter into a written,
25 enforceable agreement with the public official **FOR A PERIOD OF NOT**
26 **MORE THAN 10 YEARS** that holds the **PUBLIC** official, **ELIGIBLE**
27 **EDUCATIONAL INSTITUTION, OR MICHIGAN WORKS AGENCY** responsible for

1 ensuring that the ~~agent or contractor maintains the confidentiality~~
2 of the information **IS MAINTAINED**. If the agreement is violated, the
3 agreement ~~shall~~**MUST** be terminated and the public official,
4 **ELIGIBLE EDUCATIONAL INSTITUTION, OR MICHIGAN WORKS AGENCY** may be
5 subject to penalties equivalent to those that apply under section
6 54(f). ~~to a person associated with a college, university, or public~~
7 ~~agency who discloses confidential information.~~**THE UNEMPLOYMENT**
8 **AGENCY, AT THE REQUEST OF AN INDEPENDENT EDUCATIONAL INSTITUTION,**
9 **SHALL PERFORM DATA ANALYSIS OF INFORMATION THAT THE UNEMPLOYMENT**
10 **AGENCY HAS OBTAINED AND PROVIDE THE RESULTS OF THE ANALYSIS TO THE**
11 **INDEPENDENT EDUCATIONAL INSTITUTION. THE UNEMPLOYMENT AGENCY MAY**
12 **PERFORM ANALYSIS FOR COURSE, PROGRAM, OR TRAINING PROGRAM PLANNING,**
13 **IMPROVEMENT, OR EVALUATION; GRANT APPLICATION OR EVALUATION;**
14 **INSTITUTIONAL OR PROGRAM ACCREDITATION; ECONOMIC DEVELOPMENT OR**
15 **WORKFORCE RESEARCH; AWARD ELIGIBILITY; OR FEDERAL OR STATE MANDATED**
16 **REPORTING. THE UNEMPLOYMENT AGENCY SHALL NOT DISCLOSE INFORMATION**
17 **TO AN INDEPENDENT EDUCATIONAL INSTITUTION IN A MANNER THAT WOULD**
18 **REVEAL THE IDENTITY OF AN INDIVIDUAL OR EMPLOYING UNIT FROM OR**
19 **CONCERNING WHOM THE INFORMATION WAS OBTAINED BY THE UNEMPLOYMENT**
20 **AGENCY. THE UNEMPLOYMENT AGENCY SHALL COMPLY WITH 20 CFR 603.8. AS**
21 **USED IN THIS SUBPARAGRAPH:**

22 (A) "ELIGIBLE EDUCATIONAL INSTITUTION" MEANS A PUBLIC
23 COMMUNITY OR JUNIOR COLLEGE ESTABLISHED UNDER SECTION 7 OF ARTICLE
24 VIII OF THE STATE CONSTITUTION OF 1963 OR PART 25 OF THE REVISED
25 SCHOOL CODE, 1976 PA 451, MCL 380.1601 TO 380.1607, OR A STATE
26 UNIVERSITY DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE
27 STATE CONSTITUTION OF 1963.

1 (B) "INDEPENDENT EDUCATIONAL INSTITUTION" MEANS AN INDEPENDENT
2 NONPROFIT COLLEGE OR UNIVERSITY LOCATED IN THIS STATE.

3 (C) "MICHIGAN WORKS AGENCY" MEANS AN ENTITY DESCRIBED IN
4 SECTION 17(A) OR (D) OF THE MICHIGAN WORKS ONE-STOP SERVICE CENTER
5 SYSTEM ACT, 2006 PA 491, MCL 408.127.

6 (D) "PUBLIC OFFICIAL" MEANS THAT TERM AS DEFINED IN 20 CFR
7 603.2 AND INCLUDES AN ELIGIBLE EDUCATIONAL INSTITUTION AND A
8 MICHIGAN WORKS AGENCY.

9 (ix) The ~~commission~~ **UNEMPLOYMENT AGENCY** may request the
10 ~~comptroller~~ **COMPTROLLER** of the ~~currency~~ **CURRENCY** of the United
11 States to cause an examination of the correctness of any return or
12 report of any national banking association rendered under this act,
13 and may, in connection with the request, transmit the report or
14 return to the ~~comptroller~~ **COMPTROLLER** of the ~~currency~~ **CURRENCY** of
15 the United States as provided in section 3305(c) of the internal
16 revenue code of 1986, 26 USC 3305(c).

17 (2) The ~~commission~~ **UNEMPLOYMENT AGENCY** shall disclose to
18 qualified requesting agencies, upon request, with respect to an
19 identified individual, information in its records pertaining to the
20 individual's name; social security number; gross wages paid during
21 each quarter; the name, address, and federal and state employer
22 identification number of the individual's employer; any other wage
23 information; whether an individual is receiving, has received, or
24 has applied for unemployment benefits; the amount of unemployment
25 benefits the individual is receiving or is entitled to receive; the
26 individual's current or most recent home address; whether the
27 individual has refused an offer of work and if so a description of

1 the job offered including the terms, conditions, and rate of pay;
 2 and any other information ~~which~~ **THAT** the qualified requesting
 3 agency considers useful in verifying eligibility for, and the
 4 amount of, benefits. For purposes of this subdivision, "qualified
 5 requesting agency" means any state or local child support
 6 enforcement agency responsible for enforcing child support
 7 obligations under a plan approved under part d of title IV of the
 8 social security act, 42 USC 651 to 669b; the United States
 9 ~~department of health and human services~~ **SOCIAL SECURITY**
 10 **ADMINISTRATION** for purposes of establishing or verifying
 11 eligibility or benefit amounts under titles II and XVI of the
 12 social security act, 42 USC 401 to 434 and 42 USC 1381 to 1383f;
 13 the United States ~~department of agriculture~~ **DEPARTMENT OF**
 14 **AGRICULTURE** for the purposes of determining eligibility for, and
 15 amount of, benefits under the food stamp program established under
 16 the food stamp act of 1977, 7 USC 2011 to ~~2036~~ **2036C**; and any
 17 other state or local agency of this or any other state responsible
 18 for administering the following programs:

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

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

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

25 (iv) The food stamp program under the food stamp act of 1977,
 26 7 USC 2011 to ~~2036~~ **2036C**.

27 (v) Any state program under a plan approved under title I, X,

1 XIV, or XVI of the social security act, 42 USC 301 to 306, 42 USC
2 1201 to 1206, 42 USC 1351 to 1355, and 42 USC 1381 to 1383f.

3 (vi) Any program administered under the social welfare act,
4 1939 PA 280, MCL 400.1 to 400.119b.

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

18 The ~~commission~~**UNEMPLOYMENT AGENCY** shall cooperate with the
19 **THIS STATE'S** department of **HEALTH AND** human services in
20 establishing the computer data matching system authorized in
21 section 83 of the social welfare act, 1939 PA 280, MCL 400.83, to
22 transmit the information requested on at least a quarterly basis.
23 The information ~~shall~~**MUST** not be released unless the qualified
24 requesting agency agrees to reimburse the ~~commission~~**UNEMPLOYMENT**
25 **AGENCY** for the costs incurred in furnishing the information.

26 In addition to the requirements of this section, except as
27 later provided in this subdivision, all other requirements with

1 respect to confidentiality of information obtained in the
 2 administration of this act apply to the use of the information by
 3 the officers and employees of the qualified requesting agencies,
 4 and the sanctions imposed under this act for improper disclosure of
 5 the information apply to those officers and employees. A qualified
 6 requesting agency may redisclose information only to the individual
 7 who is the subject of the information, an attorney or other duly
 8 authorized agent representing the individual if the information is
 9 needed in connection with a claim for benefits against the
 10 requesting agency, or any criminal or civil prosecuting authority
 11 acting for or on behalf of the requesting agency.

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

17 (3) The ~~commission~~ **UNEMPLOYMENT AGENCY** shall enable the United
 18 States ~~department of health and human services~~ **DEPARTMENT OF HEALTH**
 19 **AND HUMAN SERVICES** to obtain prompt access to any wage and
 20 unemployment benefit claims information, including any information
 21 that may be useful in locating an absent parent or an absent
 22 parent's employer ~~—~~ for purposes of section 453 of the social
 23 security act, 42 USC 653, **OR** in carrying out the child support
 24 enforcement program under title IV of the social security act, 42
 25 USC 601 to ~~679b. Access~~ **679C. THE UNEMPLOYMENT AGENCY SHALL NOT**
 26 **PROVIDE THE REQUESTING AGENCY ACCESS** to the information ~~shall not~~
 27 ~~be provided~~ unless the requesting agency agrees to reimburse the

1 ~~commission~~ **UNEMPLOYMENT AGENCY** for the costs incurred in furnishing
2 the information.

3 (4) Upon request accompanied by presentation of a consent to
4 the release of information signed by an individual, the ~~commission~~
5 **UNEMPLOYMENT AGENCY** shall disclose to the United States ~~department~~
6 ~~of housing and urban development,~~ **DEPARTMENT OF HOUSING AND URBAN**
7 **DEVELOPMENT**, any state or local public housing agency, or an entity
8 contracting with a state or local public housing agency to provide
9 public housing, or any other agency responsible for verifying an
10 applicant's or participant's eligibility for, or level of benefits
11 in, any housing assistance program administered by the United
12 States ~~department of housing and urban development,~~ **DEPARTMENT OF**
13 **HOUSING AND URBAN DEVELOPMENT**, the name; ~~the~~ address; ~~the~~ wage
14 information; ~~whether~~ whether an individual is receiving, has received, or
15 has applied for unemployment benefits; ~~and~~ and the amount of
16 unemployment benefits the individual is receiving or is entitled to
17 receive under this act. This information ~~shall~~ **MUST** be used only to
18 determine an individual's eligibility for benefits or the amount of
19 benefits to which an individual is entitled under a housing
20 assistance program of the United States ~~department of housing and~~
21 ~~urban development.~~ **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**. The
22 ~~information~~ **UNEMPLOYMENT AGENCY** shall not be released ~~RELEASE THE~~
23 **INFORMATION** unless the requesting agency agrees to reimburse the
24 ~~commission~~ **UNEMPLOYMENT AGENCY** for the costs incurred in furnishing
25 the information. For purposes of this subdivision, "public housing
26 agency" means an agency described in section 3(b)(6) of the United
27 States housing act of 1937, 42 USC 1437a(b)(6).

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

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

11 (c) The ~~commission~~ **UNEMPLOYMENT AGENCY** may enter into
12 agreements with the appropriate agencies of other states or the
13 federal government ~~whereby~~ **UNDER WHICH** potential rights to benefits
14 accumulated under the unemployment compensation laws of other
15 states or of the federal government, or both, may constitute the
16 basis for the payment of benefits through a single appropriate
17 agency under plans that the ~~commission~~ **UNEMPLOYMENT AGENCY** finds
18 will be fair and reasonable to all affected interests and will not
19 result in substantial loss to the unemployment compensation fund.

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

25 (2) The ~~commission~~ **UNEMPLOYMENT AGENCY** may enter into
26 reciprocal agreements with agencies of other states administering
27 unemployment compensation ~~, whereby~~ **UNDER WHICH** contributions paid

1 by an employer to any other state may be received by the other
2 state as an agent acting for and on behalf of this state to the
3 same extent as if the contributions had been paid directly to this
4 state if the payment is remitted to this state. Contributions so
5 received by another state ~~shall be~~ **ARE** considered contributions,
6 required and paid under this act as of the date the contributions
7 were received by the other state. The ~~commission~~ **UNEMPLOYMENT**
8 **AGENCY** may collect contributions in a like manner for agencies of
9 other states administering unemployment compensation and remit the
10 contributions to the agencies under the terms of the reciprocal
11 agreements.

12 (e) The ~~commission~~ **UNEMPLOYMENT AGENCY** may make ~~the~~ **THIS**
13 state's records relating to the administration of this act
14 available and may furnish to the ~~railroad retirement board~~ **RAILROAD**
15 **RETIREMENT BOARD** or any other state or federal agency administering
16 an unemployment compensation law, at the expense of that board ~~or~~
17 ~~state, or agency,~~ copies of the records as the ~~railroad retirement~~
18 ~~board~~ **RAILROAD RETIREMENT BOARD** considers necessary for its
19 purpose.

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

24 The ~~commission~~ **UNEMPLOYMENT AGENCY** may investigate, secure,
25 and transmit information, make available services and facilities,
26 and exercise other powers provided in this act with respect to the
27 administration of this act as it considers necessary or appropriate

1 to facilitate the administration of any unemployment compensation
2 or public employment service law, and may accept and utilize
3 information, services, and facilities made available to this state
4 by the agency charged with the administration of any other
5 unemployment compensation or public employment service law.

6 On request of an agency that administers an employment
7 security law of another state or **A** foreign government and that has
8 found, in accordance with that law, that a claimant is liable to
9 repay benefits received under that law, the ~~commission~~**UNEMPLOYMENT**
10 **AGENCY** may collect the amount of the benefits from the claimant to
11 be refunded to ~~the~~**THAT** agency.

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

18 To the extent permissible under the laws and constitution of
19 the United States, the ~~commission~~**UNEMPLOYMENT AGENCY** may enter
20 into or cooperate in arrangements ~~whereby~~**UNDER WHICH** facilities
21 and services provided under this act and facilities and services
22 provided under the unemployment compensation law of Canada may be
23 utilized for the taking of claims and the payment of benefits under
24 the unemployment compensation law of this state or under a similar
25 law of Canada.

26 Any employer who is not a resident of this state and who
27 exercises the privilege of having 1 or more individuals perform

1 service for him or her within this state, and any resident employer
2 who exercises that privilege and thereafter leaves this state, is
3 considered to have appointed the secretary of state as his or her
4 agent and attorney for the acceptance of process in any civil
5 action under this act. In instituting ~~the~~**AN** action, the ~~commission~~
6 **UNEMPLOYMENT AGENCY** shall cause process or notice to be filed with
7 the secretary of state, and the service ~~shall be~~**IS** sufficient and
8 ~~shall be~~ of the same force and validity as if served upon the
9 nonresident or absent employer personally within this state. The
10 ~~commission~~**UNEMPLOYMENT AGENCY SHALL** immediately ~~shall~~ send **A**
11 notice **AND COPY** of the service of process or notice ~~, together with~~
12 ~~a copy thereof,~~ by certified mail, return receipt requested, to the
13 employer at his or her last known address. The return receipt, the
14 ~~commission's~~**UNEMPLOYMENT AGENCY'S** affidavit of compliance with
15 this section, and a copy of the notice of service ~~shall~~**MUST** be
16 attached to the original of the process filed in the court in which
17 the civil action is pending.

18 The courts of this state shall recognize and enforce
19 liabilities, as provided in this act, for unemployment compensation
20 contributions, penalties, and interest imposed by other states that
21 extend a like comity to this state.

22 The attorney general may commence action in the appropriate
23 court of any other state or any other jurisdiction of the United
24 States by and in the name of the ~~commission~~**UNEMPLOYMENT AGENCY** to
25 collect unemployment compensation contributions, penalties, and
26 interest finally determined, redetermined, or decided under this
27 act to be legally due **TO** this state. The officials of other states

1 that extend a like comity to this state may sue in the courts of
2 this state for the collection of unemployment compensation
3 contributions, penalties, and interest, the liability for which has
4 been similarly established under the laws of the other state or
5 jurisdiction. A certificate by the secretary of another state under
6 the great seal of that state attesting the authority of the
7 official or officials to collect unemployment compensation
8 contributions, penalties, and interest is conclusive evidence of
9 that authority.

10 The attorney general may commence action in this state as
11 agent for or on behalf of any other state to enforce judgments and
12 established liabilities for unemployment compensation taxes or
13 contributions, penalties, and interest due the other state if the
14 other state extends a like comity to this state.

15 (g) The ~~commission~~ **UNEMPLOYMENT AGENCY** may also enter into
16 reciprocal agreements with the appropriate and authorized agencies
17 of other states or of the federal government ~~whereby~~ **UNDER WHICH**
18 remuneration and services that determine entitlement to benefits
19 under the unemployment compensation law of another state or of the
20 federal government are considered wages and employment for the
21 purposes of sections 27 and 46, if the other state **OR FEDERAL**
22 ~~agency or agency of the federal government~~ has agreed to reimburse
23 the fund for that portion of benefits paid under this act upon the
24 basis of the remuneration and services as the ~~commission~~
25 **UNEMPLOYMENT AGENCY** finds will be fair and reasonable as to all
26 affected interests. A reciprocal agreement may provide that wages
27 and employment that determine entitlement to benefits under this

1 act are considered wages or services on the basis of which
2 unemployment compensation under the law of another state or of the
3 federal government is payable; ~~may provide that~~ services performed
4 by an individual for a single employing unit for which services are
5 customarily performed by the individual in more than 1 state are
6 considered services performed entirely within any 1 of the states
7 in which any part of the individual's service is performed, in
8 which the individual has his or her residence, or in which the
9 employing unit maintains a place of business, if there is in
10 effect, as to those services, an election approved by the agency
11 charged with the administration of the state's unemployment
12 compensation law, under which all the services performed by the
13 individual for the employing unit are considered to be performed
14 entirely within ~~the~~ **THIS** state; and ~~may provide that the commission~~
15 **UNEMPLOYMENT AGENCY** will reimburse other state or federal agencies
16 charged with the administration of unemployment compensation laws
17 with ~~such~~ **THE** reasonable portion of benefits, paid under the law of
18 any other state or of the federal government upon the basis of
19 employment and wages, as the ~~commission~~ **UNEMPLOYMENT AGENCY** finds
20 will be fair and reasonable as to all affected interests.
21 Reimbursements payable under this subsection are considered
22 benefits for the purpose of limiting duration of benefits and for
23 the purposes of sections 20(a) and 26, and the payments ~~shall be~~
24 ~~charged~~ **ARE CHARGEABLE** to the contributing employer's experience
25 account for the purposes of sections 17, 18, 19, and 20, or the
26 reimbursing employer's account under section 13c, 13g, 13i, or 13l,
27 as applicable. Benefits paid under a combined wage plan ~~shall~~ **MUST**

1 be allocated and charged to each employer involved in the quarter
2 in which the paying state requires reimbursement. Benefits charged
3 to this state ~~shall~~**MUST** be allocated to each employer of this
4 state who has employed the claimant during the base period of the
5 paying state in the same ratio that the wages earned by the
6 claimant during the base period of the paying state in the employ
7 of the employer bears to the total amount of wages earned by the
8 claimant in the base period of the paying state in the employ of
9 all employers of the state. The ~~commission is authorized to~~
10 **UNEMPLOYMENT AGENCY MAY** make to ~~other state or federal agencies and~~
11 receive from other state or federal agencies reimbursements from or
12 to the fund, ~~in accordance with~~**PURSUANT TO** arrangements made under
13 this section.

14 (h) The ~~commission~~**UNEMPLOYMENT AGENCY** may enter into any
15 agreement necessary to cooperate with any agency of the United
16 States charged with the administration of any program for the
17 payment of primary or supplemental benefits to individuals recently
18 discharged from the military services of the United States, ~~and to~~
19 assist in the establishing of eligibility and in the payments of
20 benefits under those programs. ~~and~~**THE UNEMPLOYMENT AGENCY MAY,**
21 for those purposes, ~~may~~ accept and administer funds made available
22 by the federal government and may accept and exercise any delegated
23 function under those programs. The ~~commission~~**UNEMPLOYMENT AGENCY**
24 shall not enter into ~~any~~**AN** agreement providing for, or exercise
25 any function connected with, the disbursement of ~~the~~**THIS** state's
26 unemployment trust fund for purposes not authorized by this act.

27 (i) The ~~commission~~**UNEMPLOYMENT AGENCY** may enter into

1 agreements with the appropriate agency of the United States under
2 which, in accordance with the laws of the United States, the
3 ~~commission~~, **UNEMPLOYMENT AGENCY**, as agent of the United States or
4 from funds provided by the United States, provides for the payment
5 of unemployment compensation or unemployment allowances of any
6 kind, including the payment of any benefits and allowances that are
7 made available for manpower development, training, retraining,
8 readjustment, and relocation. The ~~commission~~ **UNEMPLOYMENT AGENCY**
9 may receive and disburse funds from the United States or any
10 appropriate agency of the United States ~~in accordance with any such~~
11 **PURSUANT TO THOSE** agreements.

12 If the federal enactment providing for unemployment
13 compensation, training allowance, or relocation payments requires
14 joint federal-state financing of ~~such~~ **THOSE** payments, the
15 ~~commission~~ **UNEMPLOYMENT AGENCY** may participate in the programs by
16 using funds appropriated by the legislature to the extent provided
17 by the legislature for ~~such~~ **THOSE** programs.

18 (j) The ~~commission~~ **UNEMPLOYMENT AGENCY** shall participate in
19 any arrangement that provides for the payment of compensation on
20 the basis of combining an individual's wages and employment covered
21 under this act with his or her wages and employment covered under
22 the unemployment compensation laws of other states, if the
23 arrangement is approved by the United States ~~secretary of labor~~
24 **SECRETARY OF LABOR** in consultation with the state unemployment
25 compensation agencies as reasonably calculated to assure the prompt
26 and full payment of compensation. An arrangement ~~shall~~ **MUST** include
27 provisions for both of the following:

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

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

6 (k) ~~In a proceeding before any court, the commission and the~~
7 ~~state shall be represented by the~~ **THE** attorney general of this
8 state or attorneys designated by the attorney general **SHALL**
9 **REPRESENT THE UNEMPLOYMENT AGENCY AND THIS STATE IN A PROCEEDING**
10 **BEFORE ANY COURT.** Only the attorney general or other attorneys
11 designated by the attorney general shall act as legal counsel for
12 the ~~commission~~ **UNEMPLOYMENT AGENCY.**

13 Enacting section 1. This amendatory act takes effect July 1,
14 2018.