

HOUSE BILL No. 4545

April 27, 2017, Introduced by Reps. Ellison, Frederick, Love, Cole, Barrett, Dianda, Chirkun, Sabo, Sneller, Marino, Schor, Elder, LaGrand, Kahle, Wittenberg, Liberati, Geiss, Leutheuser, Gay-Dagnogo, Moss, Sowerby, Camilleri, Crawford, Yanez, Brinks, Guerra, Yaroch and Pagan and referred to the Committee on Workforce and Talent Development.

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
 11 to the receipt or expenditure of the sums that are allotted and

1 paid to this state for the purpose of assisting in the
 2 administration of this act. As used in this section, "social
 3 security act" means the social security act, ~~chapter 531, 49 Stat.~~
 4 ~~620.42 USC 301 TO 1397MM.~~

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

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

26 (ii) Any information in the ~~commission's~~**UNEMPLOYMENT AGENCY'S**
 27 possession that ~~may~~**MIGHT** affect a claim for benefits or a charge

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

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

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

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

27 (iii) Except as provided in this act, the information and

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

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

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

1 ~~and human services.~~ **UNITED STATES SOCIAL SECURITY ADMINISTRATION.**

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

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

1 (viii) Subject to restrictions ~~the commission~~ **IT** prescribes,
2 by rule or otherwise, the ~~commission~~ **UNEMPLOYMENT AGENCY** may also
3 make information that it obtains available for use in connection
4 with research projects of a public service nature **OR FOR COURSE OR**
5 **TRAINING PROGRAM PLANNING OR EVALUATION** to a college, university,
6 ~~or~~ **COMMUNITY COLLEGE, OR WORKFORCE DEVELOPMENT AGENCY OR TO AN**
7 agency of this state that is acting as a contractor or agent of a
8 public official and conducting research that assists the public
9 official in carrying out the duties of the office. **THE UNEMPLOYMENT**
10 **AGENCY SHALL IMPLEMENT AN ONLINE SYSTEM TO IDENTIFY THE INFORMATION**
11 **THAT IT COLLECTS THAT MAY BE MADE AVAILABLE TO COLLEGES,**
12 **UNIVERSITIES, COMMUNITY COLLEGES, AND WORKFORCE DEVELOPMENT**
13 **AGENCIES AND TO ASSIST THEM IN THE APPLICATION PROCESS REQUIRED TO**
14 **GAIN ACCESS TO THAT INFORMATION.** A person associated with those
15 institutions or agencies **OR AN AGENCY OF THIS STATE** shall not
16 disclose the information in ~~any~~ **A** manner that would reveal the
17 identity of ~~any~~ **AN** individual or employing unit from or concerning
18 whom the information was obtained by the ~~commission~~. **UNEMPLOYMENT**
19 **AGENCY.** The unemployment ~~insurance~~ agency shall enter into a
20 written, enforceable agreement with the public official **OR AN**
21 **EMPLOYEE OF THE COLLEGE, UNIVERSITY, COMMUNITY COLLEGE, OR**
22 **WORKFORCE DEVELOPMENT AGENCY FOR A PERIOD OF NOT MORE THAN 10 YEARS**
23 that holds the **PUBLIC** official **OR EMPLOYEE** responsible for ensuring
24 that the ~~agent or contractor maintains the confidentiality of the~~
25 information **IS MAINTAINED.** If the agreement is violated, the
26 agreement ~~shall~~ **MUST** be terminated and the public official **OR**
27 **EMPLOYEE** may be subject to penalties equivalent to those that apply

1 under section 54(f) to a person associated with a college,
2 university, **COMMUNITY COLLEGE, WORKFORCE DEVELOPMENT AGENCY**, or
3 public agency who discloses confidential information.

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

12 (2) The ~~commission~~**UNEMPLOYMENT AGENCY** shall disclose to
13 qualified requesting agencies, upon request, with respect to an
14 identified individual, information in its records pertaining to the
15 individual's name; social security number; gross wages paid during
16 each quarter; the name, address, and federal and state employer
17 identification number of the individual's employer; any other wage
18 information; whether an individual is receiving, has received, or
19 has applied for unemployment benefits; the amount of unemployment
20 benefits the individual is receiving or is entitled to receive; the
21 individual's current or most recent home address; whether the
22 individual has refused an offer of work and if so a description of
23 the job offered including the terms, conditions, and rate of pay;
24 and any other information ~~which~~**THAT** the qualified requesting
25 agency considers useful in verifying eligibility for, and the
26 amount of, benefits. For purposes of this subdivision, "qualified
27 requesting agency" means any state or local child support

1 enforcement agency responsible for enforcing child support
 2 obligations under a plan approved under part d of title IV of the
 3 social security act, 42 USC 651 to 669b; the United States
 4 ~~department of health and human services~~ **SOCIAL SECURITY**
 5 **ADMINISTRATION** for purposes of establishing or verifying
 6 eligibility or benefit amounts under titles II and XVI of the
 7 social security act, 42 USC 401 to 434 and 42 USC 1381 to 1383f;
 8 the United States ~~department of agriculture~~ **DEPARTMENT OF**
 9 **AGRICULTURE** for the purposes of determining eligibility for, and
 10 amount of, benefits under the food stamp program established under
 11 the food stamp act of 1977, 7 USC 2011 to ~~2036~~; **2036C**; and any
 12 other state or local agency of this or any other state responsible
 13 for administering the following programs:

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

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

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

20 (iv) The food stamp program under the food stamp act of 1977,
 21 7 USC 2011 to ~~2036~~. **2036C**.

22 (v) Any state program under a plan approved under title I, X,
 23 XIV, or XVI of the social security act, 42 USC 301 to 306, 42 USC
 24 1201 to 1206, 42 USC 1351 to 1355, and 42 USC 1381 to 1383f.

25 (vi) Any program administered under the social welfare act,
 26 1939 PA 280, MCL 400.1 to 400.119b.

27 The information ~~shall~~ **MUST** be disclosed only if the qualified

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

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

21 In addition to the requirements of this section, except as
22 later provided in this subdivision, all other requirements with
23 respect to confidentiality of information obtained in the
24 administration of this act apply to the use of the information by
25 the officers and employees of the qualified requesting agencies,
26 and the sanctions imposed under this act for improper disclosure of
27 the information apply to those officers and employees. A qualified

1 requesting agency may redisclose information only to the individual
2 who is the subject of the information, an attorney or other duly
3 authorized agent representing the individual if the information is
4 needed in connection with a claim for benefits against the
5 requesting agency, or any criminal or civil prosecuting authority
6 acting for or on behalf of the requesting agency.

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

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

25 (4) Upon request accompanied by presentation of a consent to
26 the release of information signed by an individual, the ~~commission~~
27 **UNEMPLOYMENT AGENCY** shall disclose to the United States ~~department~~

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

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

27 (6) A recipient of confidential information under this act

1 shall use the disclosed information only for purposes authorized by
2 law and consistent with an agreement entered into with the
3 unemployment ~~insurance~~-agency. The recipient shall not redisclose
4 the information to any other individual or entity without the
5 written permission of the unemployment ~~insurance~~-agency.

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

15 (d) (1) The ~~commission~~-**UNEMPLOYMENT AGENCY** may enter into
16 reciprocal agreements with the appropriate agencies of other states
17 or of the federal government ~~adjusting~~-**THAT ADJUST** the collection
18 and payment of contributions by employers with respect to
19 employment not localized within this state.

20 (2) The ~~commission~~-**UNEMPLOYMENT AGENCY** may enter into
21 reciprocal agreements with agencies of other states administering
22 unemployment compensation, ~~whereby~~-**UNDER WHICH** contributions paid
23 by an employer to any other state may be received by the other
24 state as an agent acting for and on behalf of this state to the
25 same extent as if the contributions had been paid directly to this
26 state if the payment is remitted to this state. Contributions so
27 received by another state ~~shall be~~-**ARE** considered contributions,

1 required and paid under this act as of the date the contributions
2 were received by the other state. The ~~commission~~-**UNEMPLOYMENT**
3 **AGENCY** may collect contributions in a like manner for agencies of
4 other states administering unemployment compensation and remit the
5 contributions to the agencies under the terms of the reciprocal
6 agreements.

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

15 (f) The ~~commission~~-**UNEMPLOYMENT AGENCY** may cooperate with or
16 enter into agreements with any agency of another state or of the
17 United States charged with the administration of any unemployment
18 insurance or public employment service law.

19 The ~~commission~~-**UNEMPLOYMENT AGENCY** may investigate, secure,
20 and transmit information, make available services and facilities,
21 and exercise other powers provided in this act with respect to the
22 administration of this act as it considers necessary or appropriate
23 to facilitate the administration of any unemployment compensation
24 or public employment service law, and may accept and utilize
25 information, services, and facilities made available to this state
26 by the agency charged with the administration of any other
27 unemployment compensation or public employment service law.

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

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

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

21 Any employer who is not a resident of this state and who
22 exercises the privilege of having 1 or more individuals perform
23 service for him or her within this state, and any resident employer
24 who exercises that privilege and thereafter leaves this state, is
25 considered to have appointed the secretary of state as his or her
26 agent and attorney for the acceptance of process in any civil
27 action under this act. In instituting ~~the~~**AN** action, the ~~commission~~

1 **UNEMPLOYMENT AGENCY** shall cause process or notice to be filed with
2 the secretary of state, and the service ~~shall be~~ **IS** sufficient and
3 ~~shall be~~ of the same force and validity as if served upon the
4 nonresident or absent employer personally within this state. The
5 ~~commission~~ **UNEMPLOYMENT AGENCY SHALL** immediately ~~shall~~ send **A**
6 notice **AND COPY** of the service of process or notice, ~~together with~~
7 ~~a copy thereof,~~ by certified mail, return receipt requested, to the
8 employer at his or her last known address. The return receipt, the
9 ~~commission's~~ **UNEMPLOYMENT AGENCY'S** affidavit of compliance with
10 this section, and a copy of the notice of service ~~shall~~ **MUST** be
11 attached to the original of the process filed in the court in which
12 the civil action is pending.

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

17 The attorney general may commence action in the appropriate
18 court of any other state or any other jurisdiction of the United
19 States by and in the name of the ~~commission~~ **UNEMPLOYMENT AGENCY** to
20 collect unemployment compensation contributions, penalties, and
21 interest finally determined, redetermined, or decided under this
22 act to be legally due **TO** this state. The officials of other states
23 that extend a like comity to this state may sue in the courts of
24 this state for the collection of unemployment compensation
25 contributions, penalties, and interest, the liability for which has
26 been similarly established under the laws of the other state or
27 jurisdiction. A certificate by the secretary of another state under

1 the great seal of that state attesting the authority of the
2 official or officials to collect unemployment compensation
3 contributions, penalties, and interest is conclusive evidence of
4 that authority.

5 The attorney general may commence action in this state as
6 agent for or on behalf of any other state to enforce judgments and
7 established liabilities for unemployment compensation taxes or
8 contributions, penalties, and interest due the other state if the
9 other state extends a like comity to this state.

10 (g) The ~~commission~~ **UNEMPLOYMENT AGENCY** may also enter into
11 reciprocal agreements with the appropriate and authorized agencies
12 of other states or of the federal government ~~whereby~~ **UNDER WHICH**
13 remuneration and services that determine entitlement to benefits
14 under the unemployment compensation law of another state or of the
15 federal government are considered wages and employment for the
16 purposes of sections 27 and 46, if the other state **OR FEDERAL**
17 ~~agency or agency of the federal government~~ has agreed to reimburse
18 the fund for that portion of benefits paid under this act upon the
19 basis of the remuneration and services as the ~~commission~~
20 **UNEMPLOYMENT AGENCY** finds will be fair and reasonable as to all
21 affected interests. A reciprocal agreement may provide that wages
22 and employment that determine entitlement to benefits under this
23 act are considered wages or services on the basis of which
24 unemployment compensation under the law of another state or of the
25 federal government is payable; ~~may provide~~ that services performed
26 by an individual for a single employing unit for which services are
27 customarily performed by the individual in more than 1 state are

1 considered services performed entirely within any 1 of the states
2 in which any part of the individual's service is performed, in
3 which the individual has his or her residence, or in which the
4 employing unit maintains a place of business, if there is in
5 effect, as to those services, an election approved by the agency
6 charged with the administration of the state's unemployment
7 compensation law, under which all the services performed by the
8 individual for the employing unit are considered to be performed
9 entirely within ~~the~~ **THIS** state; and ~~may provide that the commission~~
10 **UNEMPLOYMENT AGENCY** will reimburse other state or federal agencies
11 charged with the administration of unemployment compensation laws
12 with ~~such~~ **THE** reasonable portion of benefits, paid under the law of
13 any other state or of the federal government upon the basis of
14 employment and wages, as the ~~commission~~ **UNEMPLOYMENT AGENCY** finds
15 will be fair and reasonable as to all affected interests.

16 Reimbursements payable under this subsection are considered
17 benefits for the purpose of limiting duration of benefits and for
18 the purposes of sections 20(a) and 26, and the payments ~~shall be~~
19 ~~charged~~ **ARE CHARGEABLE** to the contributing employer's experience
20 account for the purposes of sections 17, 18, 19, and 20, or the
21 reimbursing employer's account under section 13c, 13g, 13i, or 13l,
22 as applicable. Benefits paid under a combined wage plan ~~shall~~ **MUST**
23 be allocated and charged to each employer involved in the quarter
24 in which the paying state requires reimbursement. Benefits charged
25 to this state ~~shall~~ **MUST** be allocated to each employer of this
26 state who has employed the claimant during the base period of the
27 paying state in the same ratio that the wages earned by the

1 claimant during the base period of the paying state in the employ
2 of the employer bears to the total amount of wages earned by the
3 claimant in the base period of the paying state in the employ of
4 all employers of the state. The ~~commission is authorized to~~
5 **UNEMPLOYMENT AGENCY MAY** make to ~~other state or federal agencies and~~
6 receive from other state or federal agencies reimbursements from or
7 to the fund, ~~in accordance with~~ **PURSUANT TO** arrangements made under
8 this section.

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

22 (i) The ~~commission~~ **UNEMPLOYMENT AGENCY** may enter into
23 agreements with the appropriate agency of the United States under
24 which, in accordance with the laws of the United States, the
25 ~~commission,~~ **UNEMPLOYMENT AGENCY,** as agent of the United States or
26 from funds provided by the United States, provides for the payment
27 of unemployment compensation or unemployment allowances of any

1 kind, including the payment of any benefits and allowances that are
2 made available for manpower development, training, retraining,
3 readjustment, and relocation. The ~~commission~~ **UNEMPLOYMENT AGENCY**
4 may receive and disburse funds from the United States or any
5 appropriate agency of the United States ~~in accordance with any such~~
6 **PURSUANT TO THOSE** agreements.

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

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

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

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

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

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