

HOUSE BILL No. 5763

June 9, 2016, Introduced by Reps. Townsend, Johnson, Brinks and Driskell and referred to the Committee on Commerce and Trade.

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 **STAT** 620.

5 (b) (1) Information obtained from any 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 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 (viii), in any manner that reveals the
13 individual's or the employing unit's identity or any identifying
14 particular about any individual or any past or present employing
15 unit or that could foreseeably be combined with other publicly
16 available information to reveal identifying particulars. However,
17 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 be available to
22 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 affect a claim for benefits or a charge to an

1 employer's experience account shall be available to interested
2 parties as defined in R 421.201 of the Michigan ~~administrative~~
3 ~~code~~, **ADMINISTRATIVE CODE**, and to their agents, if their agents
4 provide the unemployment insurance agency with a written
5 authorization of representation from the party represented. A
6 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 be signed by an interested party; specify the information to
18 be released and all individuals who may receive the information;
19 and state the specific purpose for which the information is sought,
20 that files of the state may be accessed to obtain the information,
21 and that the information sought will only be used for the purpose
22 indicated. The purpose specified in the release shall be limited to
23 that of providing a service or benefit to the individual signing
24 the release or carrying out administration or evaluation of a
25 public program to which the release pertains.

26 (iii) Except as provided in this act, the information and
27 determinations shall not be used in any action or proceeding before

1 any court or administrative tribunal unless the ~~commission~~
 2 **UNEMPLOYMENT AGENCY** is a party to or a complainant in the action or
 3 proceeding, or unless used for the prosecution of fraud, civil
 4 proceeding, or other legal proceeding in the programs indicated in
 5 subdivision (2).

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

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

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

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

27 (viii) Subject to restrictions ~~the commission-IT~~ prescribes,

1 by rule or otherwise, the ~~commission~~ **UNEMPLOYMENT AGENCY** may also
2 make information that it obtains available for use in connection
3 with research projects of a public service nature **OR FOR COURSE OR**
4 **TRAINING PROGRAM PLANNING OR EVALUATION** to a college, university,
5 ~~or~~ **COMMUNITY COLLEGE, OR WORKFORCE DEVELOPMENT AGENCY OR TO AN**
6 agency of this state that is acting as a contractor or agent of a
7 public official and conducting research that assists the public
8 official in carrying out the duties of the office. **THE UNEMPLOYMENT**
9 **AGENCY SHALL IMPLEMENT AN ONLINE SYSTEM TO IDENTIFY THE INFORMATION**
10 **THAT IT COLLECTS THAT MAY BE MADE AVAILABLE TO THOSE INSTITUTIONS**
11 **AND AGENCIES AND TO ASSIST THEM IN THE APPLICATION PROCESS REQUIRED**
12 **TO GAIN ACCESS TO THAT INFORMATION.** A person associated with those
13 institutions or agencies shall not disclose the information in any
14 manner that would reveal the identity of any individual or
15 employing unit from or concerning whom the information was obtained
16 by the ~~commission~~ **UNEMPLOYMENT AGENCY**. The unemployment insurance
17 agency shall enter into a written, enforceable agreement with the
18 ~~public official~~ **INSTITUTION OR AGENCY THAT MAY BE FOR A PERIOD OF**
19 **NOT MORE THAN 10 YEARS AND** that holds the ~~official~~ **INSTITUTION OR**
20 **AGENCY** responsible for ensuring that ~~the~~ **ANY** agent or contractor
21 maintains the confidentiality of the information. If the agreement
22 is violated, the agreement shall be terminated and the ~~public~~
23 ~~official~~ **INSTITUTION OR AGENCY** may be subject to penalties
24 equivalent to those that apply under section 54(f) to a person
25 associated with a college, university, **COMMUNITY COLLEGE, WORKFORCE**
26 **DEVELOPMENT AGENCY**, or public agency who discloses confidential
27 information.

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

9 (2) The ~~commission~~**UNEMPLOYMENT AGENCY** shall disclose to
10 qualified requesting agencies, upon request, with respect to an
11 identified individual, information in its records pertaining to the
12 individual's name; social security number; gross wages paid during
13 each quarter; the name, address, and federal and state employer
14 identification number of the individual's employer; any other wage
15 information; whether an individual is receiving, has received, or
16 has applied for unemployment benefits; the amount of unemployment
17 benefits the individual is receiving or is entitled to receive; the
18 individual's current or most recent home address; whether the
19 individual has refused an offer of work and if so a description of
20 the job offered including the terms, conditions, and rate of pay;
21 and any other information ~~which~~**THAT** the qualified requesting
22 agency considers useful in verifying eligibility for, and the
23 amount of, benefits. For purposes of this subdivision, "qualified
24 requesting agency" means any state or local child support
25 enforcement agency responsible for enforcing child support
26 obligations under a plan approved under part d of title IV of the
27 social security act, 42 USC 651 to 669b; the United States

1 ~~department of health and human services~~ **DEPARTMENT OF HEALTH AND**
 2 **HUMAN SERVICES** for purposes of establishing or verifying
 3 eligibility or benefit amounts under titles II and XVI of the
 4 social security act, 42 USC 401 to 434 and 42 USC 1381 to 1383f;
 5 the United States ~~department of agriculture~~ **DEPARTMENT OF**
 6 **AGRICULTURE** for the purposes of determining eligibility for, and
 7 amount of, benefits under the food stamp program established under
 8 the food stamp act of 1977, 7 USC 2011 to ~~2036~~, **2036C**; and any
 9 other state or local agency of this or any other state responsible
 10 for administering the following programs:

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

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

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

17 (iv) The food stamp program under the food stamp act of 1977,
 18 7 USC 2011 to ~~2036~~, **2036C**.

19 (v) Any state program under a plan approved under title I, X,
 20 XIV, or XVI of the social security act, 42 USC 301 to 306, 42 USC
 21 1201 to 1206, 42 USC 1351 to 1355, and 42 USC 1381 to 1383f.

22 (vi) Any program administered under the social welfare act,
 23 1939 PA 280, MCL 400.1 to 400.119b.

24 The information shall be disclosed only if the qualified
 25 requesting agency has executed an agreement with the ~~commission~~
 26 **UNEMPLOYMENT AGENCY** to obtain the information and if the
 27 information is requested for the purpose of determining the

1 eligibility of applicants for benefits, or the type and amount of
2 benefits for which applicants are eligible, under any of the
3 programs listed above or under title II and XVI of the social
4 security act, 42 USC 401 to 434 and 42 USC 1381 to 1383f; for
5 establishing and collecting child support obligations from, and
6 locating individuals owing such obligations that are being enforced
7 under a plan described in section 454 of the social security act,
8 42 USC 654; or for investigating or prosecuting alleged fraud under
9 any of these programs.

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

18 In addition to the requirements of this section, except as
19 later provided in this subdivision, all other requirements with
20 respect to confidentiality of information obtained in the
21 administration of this act apply to the use of the information by
22 the officers and employees of the qualified requesting agencies,
23 and the sanctions imposed under this act for improper disclosure of
24 the information apply to those officers and employees. A qualified
25 requesting agency may redisclose information only to the individual
26 who is the subject of the information, an attorney or other duly
27 authorized agent representing the individual if the information is

1 needed in connection with a claim for benefits against the
2 requesting agency, or any criminal or civil prosecuting authority
3 acting for or on behalf of the requesting agency.

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

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

21 (4) Upon request accompanied by presentation of a consent to
22 the release of information signed by an individual, the ~~commission~~
23 **UNEMPLOYMENT AGENCY** shall disclose to the United States ~~department~~
24 ~~of housing and urban development~~**DEPARTMENT OF HOUSING AND URBAN**
25 **DEVELOPMENT**, any state or local public housing agency, or an entity
26 contracting with a state or local public housing agency to provide
27 public housing, or any other agency responsible for verifying an

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

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

23 (6) A recipient of confidential information under this act
24 shall use the disclosed information only for purposes authorized by
25 law and consistent with an agreement entered into with the
26 unemployment insurance agency. The recipient shall not redisclose
27 the information to any other individual or entity without the

1 written permission of the unemployment insurance agency.

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

11 (d) (1) The ~~commission~~**UNEMPLOYMENT AGENCY** may enter into
12 reciprocal agreements with the appropriate agencies of other states
13 or of the federal government adjusting the collection and payment
14 of contributions by employers with respect to employment not
15 localized within this state.

16 (2) The ~~commission~~**UNEMPLOYMENT AGENCY** may enter into
17 reciprocal agreements with agencies of other states administering
18 unemployment compensation, whereby contributions paid by an
19 employer to any other state may be received by the other state as
20 an agent acting for and on behalf of this state to the same extent
21 as if the contributions had been paid directly to this state if the
22 payment is remitted to this state. Contributions so received by
23 another state shall be considered contributions, required and paid
24 under this act as of the date the contributions were received by
25 the other state. The ~~commission~~**UNEMPLOYMENT AGENCY** may collect
26 contributions in a like manner for agencies of other states
27 administering unemployment compensation and remit the contributions

1 to the agencies under the terms of the reciprocal agreements.

2 (e) The ~~commission~~**UNEMPLOYMENT AGENCY** may make the state's
3 records relating to the administration of this act available and
4 may furnish to the ~~railroad retirement board~~**RAILROAD RETIREMENT**
5 **BOARD** or any other state or federal agency administering an
6 unemployment compensation law, at the expense of that board, state,
7 or agency, copies of the records as the ~~railroad retirement board~~
8 **RAILROAD RETIREMENT BOARD** considers necessary for its purpose.

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

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

22 On request of an agency that administers an employment
23 security law of another state or foreign government and that has
24 found, in accordance with that law, that a claimant is liable to
25 repay benefits received under that law, the ~~commission~~**UNEMPLOYMENT**
26 **AGENCY** may collect the amount of the benefits from the claimant to
27 be refunded to the agency.

1 In any case in which under this subsection a claimant is
2 liable to repay any amount to the agency of another state or
3 foreign government, the amount may be collected by civil action in
4 the name of the ~~commission~~**UNEMPLOYMENT AGENCY** acting as agent for
5 ~~the~~**THAT** agency. Court costs shall be paid or guaranteed by the
6 agency of that state.

7 To the extent permissible under the laws and constitution of
8 the United States, the ~~commission~~**UNEMPLOYMENT AGENCY** may enter
9 into or cooperate in arrangements whereby facilities and services
10 provided under this act and facilities and services provided under
11 the unemployment compensation law of Canada may be utilized for the
12 taking of claims and the payment of benefits under the unemployment
13 compensation law of this state or under a similar law of Canada.

14 Any employer who is not a resident of this state and who
15 exercises the privilege of having 1 or more individuals perform
16 service for him or her within this state, and any resident employer
17 who exercises that privilege and thereafter leaves this state, is
18 considered to have appointed the secretary of state as his or her
19 agent and attorney for the acceptance of process in any civil
20 action under this act. In instituting the action, the ~~commission~~
21 **UNEMPLOYMENT AGENCY** shall cause process or notice to be filed with
22 the secretary of state, and the service shall be sufficient and
23 shall be of the same force and validity as if served upon the
24 nonresident or absent employer personally within this state. The
25 ~~commission~~**UNEMPLOYMENT AGENCY** immediately shall send notice of the
26 service of process or notice, together with a copy thereof, by
27 certified mail, return receipt requested, to the employer at his or

1 her last known address. The return receipt, the ~~commission's~~
2 **AGENCY'S** affidavit of compliance with this section, and a copy of
3 the notice of service shall be attached to the original of the
4 process filed in the court in which the civil action is pending.

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

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

24 The attorney general may commence action in this state as
25 agent for or on behalf of any other state to enforce judgments and
26 established liabilities for unemployment compensation taxes or
27 contributions, penalties, and interest due the other state if the

1 other state extends a like comity to this state.

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

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

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

1 agreement necessary to cooperate with any agency of the United
2 States charged with the administration of any program for the
3 payment of primary or supplemental benefits to individuals recently
4 discharged from the military services of the United States, and to
5 assist in the establishing of eligibility and in the payments of
6 benefits under those programs, and for those purposes may accept
7 and administer funds made available by the federal government and
8 may accept and exercise any delegated function under those
9 programs. The ~~commission~~**UNEMPLOYMENT AGENCY** shall not enter into
10 any agreement providing for, or exercise any function connected
11 with, the disbursement of the state's unemployment trust fund for
12 purposes not authorized by this act.

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

25 If the federal enactment providing for unemployment
26 compensation, training allowance, or relocation payments requires
27 joint federal-state financing of ~~such~~**THOSE** payments, the

1 ~~commission~~**UNEMPLOYMENT AGENCY** may participate in the programs by
2 using funds appropriated by the legislature to the extent provided
3 by the legislature for ~~such~~**THOSE** programs.

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

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

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

19 (k) In a proceeding before any court, the ~~commission~~
20 **UNEMPLOYMENT AGENCY** and ~~the~~**THIS** state shall be represented by the
21 attorney general of this state or attorneys designated by the
22 attorney general. Only the attorney general or other attorneys
23 designated by the attorney general shall act as legal counsel for
24 the ~~commission~~**UNEMPLOYMENT AGENCY**.

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

27 Enacting section 2. This amendatory act does not take effect

1 unless Senate Bill No. ____ or House Bill No. 5764 (request no.
2 05834'16) of the 98th Legislature is enacted into law.