

# HOUSE BILL NO. 6123

August 17, 2020, Introduced by Reps. Hall, Calley and O'Malley and referred to the Committee on Commerce and Tourism.

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 19 (MCL 421.19), as amended by 2011 PA 269.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 19. (a) ~~The commission~~ **Except as otherwise provided in**  
2 **subsection (e), the unemployment agency** shall determine the  
3 contribution rate of each contributing employer for each calendar  
4 year after 1977 as follows:



1           (1) (i) Except as provided in paragraph (ii), an employer's rate  
2 shall be calculated as described in table A, A-1, or A-2 with  
3 respect to wages paid by the employer in each calendar year for  
4 employment. If an employer's coverage is terminated under section  
5 24, or at the conclusion of 12 or more consecutive calendar  
6 quarters during which the employer has not had workers in covered  
7 employment, and if the employer again becomes liable for  
8 contributions, the employer shall be considered as newly liable for  
9 contributions for the purposes of the tables in this subsection. An  
10 employer that becomes liable under section 41(2) will not be  
11 assigned the new employer rate but instead the employer's most  
12 recent prior rate as a predecessor employer will be assigned to its  
13 new account.

14           (ii) To provide against the high risk of net loss to the fund  
15 in such cases, an employing unit that becomes newly liable for  
16 contributions under this act in a calendar year beginning on or  
17 after January 1, 1983 in which it employs in ~~"employment",~~  
18 **employment**, not necessarily simultaneously but in any 1 week 2 or  
19 more individuals in the performance of 1 or more contracts or  
20 subcontracts for construction in ~~the~~**this** state of roads, bridges,  
21 highways, sewers, water mains, utilities, public buildings,  
22 factories, housing developments, or similar construction projects,  
23 ~~shall be~~**is** liable for contributions to that employer's account  
24 under this act for the first 4 years of operations in this state at  
25 a rate equal to the average rate paid by employers engaged in the  
26 construction business as determined by contractor type in the  
27 manner provided in table B, B-1, or B-2.

28           For an employer that was a contributing employer before  
29 January 1, 2012 and did not convert from a reimbursing to a



1 contributing employer on or after January 1, 2012, the following  
 2 tables apply:

3 **Table A**

4 Year of Contribution	5 Liability	6 Contribution Rate
7 1		2.7%
8 2		2.7%
9 3		1/3 (chargeable benefits 10 component) + 1.8%
11 4		2/3 (chargeable benefits 12 component) + 1.0%
13 5 and over		(chargeable benefits component) + 14 (account building component) + 15 (nonchargeable benefits component)

16 **Table B**

17 Year of Contribution	18 Liability	19 Contribution Rate
20 1		average construction contractor 21 rate as determined by the <del>commission</del> <b>unemployment agency</b>
22 2		average construction contractor 23 rate as determined by the 24 <del>commission</del> <b>unemployment agency</b>
25 3		1/3 (chargeable benefits 26 component) + 2/3 average 27 construction contractor rate as 28 determined by the 29 <del>commission</del> <b>unemployment agency</b>



1	1	average construction contractor
2		rate as determined by the
3		<del>commission</del> <b>unemployment agency</b>
4	2	average construction contractor
5		rate as determined by the
6		<del>commission</del> <b>unemployment agency</b> +
7		1/3 (chargeable benefits
8		component)
9	3	average construction contractor
10		rate as determined by the
11		<del>commission</del> <b>unemployment agency</b> +
12		2/3 (chargeable benefits
13		component)
14	4 and over	(chargeable benefits component) +
15		(account building component) +
16		(nonchargeable benefits
17		component)

18 For an employer that becomes a contributing employer on or  
 19 after January 1, 2013, the following tables apply:

20 Table A-2

21	Year of Contribution	Contribution Rate
22	Liability	
23	1	2.7% + 1/3 (chargeable benefits
24		component)
25	2	2.7% + 2/3 (chargeable benefits
26		component)





1 ~~chargeable benefits component of an employer's contribution rate is~~  
2 ~~the percentage determined by dividing: the total amount of benefits~~  
3 ~~charged to the employer's experience account within the lesser of~~  
4 ~~60 consecutive months ending on the computation date or the number~~  
5 ~~of consecutive months ending on the computation date with respect~~  
6 ~~to which the employer has been continuously liable for~~  
7 ~~contributions; by the amount of wages, subject to contributions,~~  
8 ~~paid by the employer within the same period. If the resulting~~  
9 ~~quotient is not an exact multiple of 1/10 of 1%, it shall be~~  
10 ~~increased to the next higher multiple of 1/10 of 1%. For the~~  
11 ~~calendar year 2012, the chargeable benefits component of an~~  
12 ~~employer's contribution rate is the percentage determined by~~  
13 ~~dividing: the total amount of benefits charged to the employer's~~  
14 ~~experience account within the lesser of 48 consecutive months~~  
15 ~~ending on the computation date or the number of consecutive months~~  
16 ~~ending on the computation date with respect to which the employer~~  
17 ~~has been continuously liable for contributions; by the amount of~~  
18 ~~wages, subject to contributions, paid by the employer within the~~  
19 ~~same period. If the resulting quotient is not an exact multiple of~~  
20 ~~1/10 of 1%, it shall be increased to the next higher multiple of~~  
21 ~~1/10 of 1%. For each calendar year beginning on or after January 1,~~  
22 ~~2013, the chargeable benefits component of an employer's~~  
23 ~~contribution rate is the percentage determined by dividing: the~~  
24 ~~total amount of benefits charged to the employer's experience~~  
25 ~~account within the lesser of 36 consecutive months ending on the~~  
26 ~~computation date or the number of consecutive months ending on the~~  
27 ~~computation date with respect to which the employer has been~~  
28 ~~continuously liable for contributions; by the amount of wages,~~  
29 ~~subject to contributions, paid by the employer within the same~~



1 period. If the resulting quotient is not an exact multiple of 1/10  
2 of 1%, it shall be increased to the next higher multiple of 1/10 of  
3 1%.

4 ~~(ii) For benefit years established before October 1, 2000, the~~  
5 ~~chargeable benefits component shall not exceed 6.0%, unless there~~  
6 ~~is a statutory change in the maximum duration of regular benefit~~  
7 ~~payments or the statutory ratio of regular benefit payments to~~  
8 ~~credit weeks. In the event of a change in the maximum duration of~~  
9 ~~regular benefit payments, the maximum chargeable benefits component~~  
10 ~~shall increase by the same percentage as the statutory percentage~~  
11 ~~change in the duration of regular benefit payments between~~  
12 ~~computation dates. In the event of an increase in the statutory~~  
13 ~~ratio of regular benefit payments to credit weeks, as described in~~  
14 ~~section 27(d), the maximum chargeable benefits component determined~~  
15 ~~as of the computation dates occurring after the effective date of~~  
16 ~~the increased ratio shall increase by 1/2 the same percentage as~~  
17 ~~the increase in the ratio of regular benefit payments to credit~~  
18 ~~weeks. If the resulting increase is not already an exact multiple~~  
19 ~~of 1/10 of 1%, it shall be adjusted to the next higher multiple of~~  
20 ~~1/10 of 1%. For benefit years established after October 1, 2000,~~  
21 ~~the chargeable benefits component shall not exceed 6.0%, unless~~  
22 ~~there is a statutory change in the maximum duration of regular~~  
23 ~~benefit payments or the percentage factor of base period wages,~~  
24 ~~which defines maximum duration, as provided in section 27(d). If~~  
25 ~~there is a statutory change in the maximum duration of regular~~  
26 ~~benefit payments, the maximum chargeable benefits component shall~~  
27 ~~increase by the same percentage as the statutory percentage change~~  
28 ~~in the duration of regular benefit payments between computation~~  
29 ~~dates. If there is an increase in the statutory percentage factor~~





1 of base period wages, as described in section 27(d), the maximum  
2 chargeable benefits component determined as of the computation  
3 dates occurring after the effective date of the increased ratio  
4 shall increase by 1/2 the same percentage as the increase in the  
5 percentage factor of base period wages. If the resulting increase  
6 is not already an exact multiple of 1/10 of 1%, it shall be  
7 adjusted to the next higher multiple of 1/10 of 1%.

8 (4) The account building component of an employer's  
9 contribution rate is the percentage arrived at by the following  
10 calculations: (i) Multiply the amount of the employer's total  
11 payroll for the 12 months ending on the computation date, by the  
12 cost criterion; (ii) Subtract the amount of the balance in the  
13 employer's experience account as of the computation date from the  
14 product determined under (i); and (iii) if the remainder is zero or a  
15 negative quantity, the account building component of the employer's  
16 contribution rate ~~shall be~~ **is** zero; but (iv) if the remainder is a  
17 positive quantity, the account building component of the employer's  
18 contribution rate ~~shall be~~ **is** determined by dividing that remainder  
19 by the employer's total payroll paid within the 12 months ending on  
20 the computation date. The account building component shall not  
21 exceed the lesser of 1/4 of the percentage calculated or 2%.  
22 However, except as otherwise provided in this subdivision, the  
23 account building component shall not exceed the lesser of 1/2 of  
24 the percentage calculated or 3%, if on the June 30 of the preceding  
25 calendar year the balance in the unemployment compensation fund was  
26 less than 50% of an amount equal to the aggregate of all  
27 contributing employers' annual payrolls, for the 12 months ending  
28 March 31, times the cost criterion. ~~For calendar years after 1993~~  
29 ~~and before 1996, the account building component shall not exceed~~



1 ~~the lesser of .69 of the percentage calculated, or 3%, if on the~~  
 2 ~~June 30 of the preceding calendar year the balance in the~~  
 3 ~~unemployment compensation fund was less than 50% of an amount equal~~  
 4 ~~to the aggregate of all contributing employers' annual payrolls,~~  
 5 ~~for the 12 months ending March 31, as defined in section 18(f),~~  
 6 ~~times the cost criterion; selected for the computation date under~~  
 7 ~~section 18(e).~~ If the account building component determined under  
 8 this subdivision is not an exact multiple of 1/10 of 1%, it shall  
 9 be adjusted to the next higher multiple of 1/10 of 1%.

10 (5) The nonchargeable benefits component of employers'  
 11 contribution rates is the percentage arrived at by the following  
 12 calculations: (i) multiply the aggregate amount of all contributing  
 13 employers' annual payrolls, for the 12 months ending March 31, as  
 14 defined in section 18(f), by the cost criterion selected for the  
 15 computation date under section 18(e); (ii) subtract the balance of  
 16 the unemployment fund on the computation date, net of federal  
 17 advances, from the product determined under (i); and (iii) if the  
 18 remainder is zero or a negative quantity, the nonchargeable  
 19 benefits component of employers' contribution rates ~~shall be is~~  
 20 zero; but (iv) if the remainder is a positive quantity, the  
 21 nonchargeable benefits component of employers' contribution rates  
 22 shall be determined by dividing that remainder by the total of  
 23 wages subject to contributions under this act paid by all  
 24 contributing employers within the 12 months ending on March 31 and  
 25 adjusting the quotient, if not an exact multiple of 1/10 of 1%, to  
 26 the next higher multiple of 1/10 of 1%. The maximum nonchargeable  
 27 benefits component ~~shall be is~~ 1%. However, ~~for calendar years~~  
 28 ~~after 1993, if there are no benefit charges against an employer's~~  
 29 ~~account for the 60 months ending as of the computation date, or for~~



1 ~~calendar years after 1995, if the employer's chargeable benefits~~  
2 ~~component is less than 2/10 of 1%, the maximum nonchargeable~~  
3 ~~benefit component shall not exceed 1/2 of 1%. For calendar years~~  
4 ~~after 1995, if there are no benefit charges against an employer's~~  
5 ~~account for the 72 months ending as of the computation date, the~~  
6 ~~maximum nonchargeable benefits component shall not exceed 4/10 of~~  
7 ~~1%. For calendar years after 1996, if there are no benefit charges~~  
8 ~~against an employer's account for the 84 months ending as of the~~  
9 ~~computation date, the maximum nonchargeable benefits component~~  
10 ~~shall not exceed 3/10 of 1%. For calendar years after 1997, if~~  
11 ~~there are no benefit charges against an employer's account for the~~  
12 ~~96 months ending as of the computation date, the maximum~~  
13 ~~nonchargeable benefits component shall not exceed 2/10 of 1%. For~~  
14 ~~calendar years after 1998, if there are no benefit charges against~~  
15 ~~an employer's account for the 108 months ending as of the~~  
16 ~~computation date, the maximum nonchargeable benefits component~~  
17 ~~shall not exceed 1/10 of 1%. For **However, for** calendar years after~~  
18 ~~2002, the maximum nonchargeable benefits component shall not exceed~~  
19 ~~1/10 of 1% if there are no benefit charges against an employer's~~  
20 ~~account for the 60 months ending as of the computation date; 9/100~~  
21 ~~of 1% if there are no benefit charges against an employer's account~~  
22 ~~for the 72 months ending as of the computation date; 8/100 of 1% if~~  
23 ~~there are no benefit charges against an employer's account for the~~  
24 ~~84 months ending as of the computation date; 7/100 of 1% if there~~  
25 ~~are no benefit charges against an employer's account for the 96~~  
26 ~~months ending as of the computation date; or 6/100 of 1% if there~~  
27 ~~are no benefit charges against an employer's account for the 108~~  
28 ~~months ending as of the computation date. For purposes of~~  
29 ~~determining a nonchargeable benefits component under this~~



1 subsection, an employer account shall not be considered to have had  
 2 a charge if a claim for benefits is denied or determined to be  
 3 fraudulent pursuant to ~~under~~ section 54 or 54c. An employer with a  
 4 positive balance in its experience account on the June 30  
 5 computation date preceding the calendar year shall receive for that  
 6 calendar year a credit in an amount equal to 1/2 of the extra  
 7 federal unemployment tax paid in the preceding calendar year under  
 8 section 3302(c)(2) of the federal unemployment tax act, 26 USC  
 9 3302, because of an outstanding balance of unrepaid advances from  
 10 the federal government to the unemployment compensation fund under  
 11 section 1201 of title XII of the social security act, 42 USC 1321.  
 12 However, the credit for any calendar year shall not exceed an  
 13 amount determined by multiplying the employer's nonchargeable  
 14 benefit component for that calendar year times the employer's  
 15 taxable payroll for that year. Contributions paid by an employer  
 16 shall be credited to the employer's experience account ~~in~~  
 17 ~~accordance with the provisions of~~ pursuant to section 17(5),  
 18 without regard to any credit given under this subsection. The  
 19 amount credited to an employer's experience account shall be the  
 20 amount of the employer's tax before deduction of the credit  
 21 provided in this subsection.

22 (6) The total of the chargeable benefits and account building  
 23 components of an employer's contribution rate shall not exceed by  
 24 more than 1% in the 1983 calendar year, 1.5% in the calendar year  
 25 1984, or 2% in the 1985 calendar year the higher of 4% or the total  
 26 of the chargeable benefits and the account building components that  
 27 applied to the employer during the preceding calendar year. For  
 28 calendar years after 1985, the total of the chargeable benefits and  
 29 account building components of the employer's contribution rate



1 shall be computed without regard to the foregoing limitation  
 2 provided in this subdivision. During a year in which this  
 3 subdivision limits an employer's contribution rate, the resulting  
 4 reduction ~~shall be~~ **is** considered to be entirely in the experience  
 5 component of the employer's contribution rate, as defined in  
 6 section 18(d).

7 (b) An employer previously liable for contributions under this  
 8 act ~~which that~~ on or after January 1, 1978 filed a petition for  
 9 arrangement under the bankruptcy act of July 1, 1898, chapter 541,  
 10 30 ~~Stat.~~ **Stat** 544, or on or after October 1, 1979 filed a petition  
 11 for reorganization under title 11 of the United States Code, 11 USC  
 12 101 to ~~1330,~~ **1532**, pursuant to which a plan of arrangement or  
 13 reorganization for rehabilitation purposes has been confirmed by  
 14 order of the United States bankruptcy court, ~~shall be~~ **is** considered  
 15 ~~as to be~~ a reorganized employer and shall have a reserve fund  
 16 balance of zero as of the first calendar year immediately following  
 17 court confirmation of the plan of arrangement or reorganization,  
 18 but not earlier than the calendar year beginning January 1, 1983,  
 19 if the employer meets each of the following requirements:

20 (1) An employer whose plan of arrangement or reorganization  
 21 has been confirmed as of January 1, 1983 shall, within 60 days  
 22 after January 1, 1983, notify the ~~commission~~ **unemployment agency** of  
 23 its intention to elect the status of a reorganized employer. An  
 24 employer that has not had a plan of arrangement or reorganization  
 25 confirmed as of January 1, 1983 shall, within 60 days after the  
 26 entry by the bankruptcy court of the order of confirmation of the  
 27 plan of arrangement or reorganization, notify the ~~commission~~  
 28 **unemployment agency** of its intention to elect the status of a  
 29 reorganized employer. An employer shall not make an election under



1 this subdivision after December 31, 1985.

2 (2) The employer has paid to the ~~commission~~ **unemployment**  
 3 **agency** all contributions previously owed by the employer pursuant  
 4 ~~to~~ **under** this act for all calendar years prior to the calendar year  
 5 as to which the employer elects to begin its status as a  
 6 reorganized employer.

7 (3) More than 50% of the employer's total payroll is paid for  
 8 services rendered in this state during the employer's fiscal year  
 9 immediately preceding the date the employer notifies the fund  
 10 administrator of its intention to elect the status of a reorganized  
 11 employer.

12 (4) The employer, within 180 days after notifying the  
 13 ~~commission~~ **unemployment agency** of its intention to elect the status  
 14 of a reorganized employer, makes a cash payment to the ~~commission~~,  
 15 **unemployment agency**, for the unemployment compensation fund, equal  
 16 to: ~~.20~~ **0.20** times the first \$2,000,000.00 of the employer's  
 17 negative balance, ~~.35~~ **0.35** times the amount of the employer's  
 18 negative balance above \$2,000,000.00 and up to \$5,000,000.00, and  
 19 ~~.50~~ **0.50** times the amount of the negative balance above  
 20 \$5,000,000.00. The total amount determined by the ~~commission~~  
 21 **unemployment agency** shall be based on the employer's negative  
 22 balance existing as of the end of the calendar month immediately  
 23 preceding the calendar year in which the employer will begin its  
 24 status as a reorganized employer. If the employer fails to pay the  
 25 amount determined, within 180 days of electing status as a  
 26 reorganized employer, the ~~commission~~ **unemployment agency** shall  
 27 reinstate the employer's negative balance previously reduced and  
 28 redetermine the employer's rate on the basis of the reinstated  
 29 negative balance. The redetermined rate shall then be used to



1 redetermine the employer's quarterly contributions for that  
2 calendar year. The redetermined contributions ~~shall be~~ **are** subject  
3 to the interest provisions of section 15 as of the date the  
4 redetermined quarterly contributions were originally due.

5 (5) Except as provided in subdivision (6), the employer  
6 contribution rates for a reorganized employer beginning with the  
7 first calendar year of the employer's status as a reorganized  
8 employer ~~shall be~~ **are** as follows:

9	Year of Contribution Liability	Contribution Rate
11	1	2.7% of total taxable wages paid
12	2	2.7%
13	3	2.7%
14	4 and over	(chargeable benefits component based upon 3-year experience) plus (account building component based upon 3-year experience) plus (nonchargeable benefits component)

20 (6) To provide against the high risk of net loss to the fund  
21 in such cases, any reorganized employer that employs in  
22 ~~"employment",~~ **employment**, not necessarily simultaneously but in any  
23 1 week 25 or more individuals in the performance of 1 or more  
24 contracts or subcontracts for construction in ~~the~~ **this** state of  
25 roads, bridges, highways, sewers, water mains, utilities, public  
26 buildings, factories, housing developments, or similar major  
27 construction projects, ~~shall be~~ **is** liable beginning the first  
28 calendar year of the employer's status as a reorganized employer  
29 for contribution rates as follows:

1	Year of Contribution	Contribution Rate
2	Liability	
3	1	average construction contractor rate as determined by the
4		<del>commission</del> <b>unemployment agency</b>
5		
6	2	average construction contractor rate as determined by the
7		<del>commission</del> <b>unemployment agency</b>
8		
9	3	1/3 (chargeable benefits component) + 2/3 average
10		construction contractor rate as determined by the
11		<del>commission</del> <b>unemployment agency</b>
12		
13	4	2/3 (chargeable benefits component) + 1/3 average
14		construction contractor rate as determined by the
15		<del>commission</del> <b>unemployment agency</b>
16		
17		
18		
19	5 and over	(chargeable benefits component) +
20		(account building component) +
21		(nonchargeable benefits component)
22		

23 (c) Upon application by an employer to the ~~commission~~  
 24 **unemployment agency** for designation as a distressed employer, the  
 25 ~~commission~~, **unemployment agency**, within 60 days after receipt of  
 26 the application, shall make a determination whether the employer  
 27 meets the conditions set forth in this subsection. Upon finding  
 28 that the conditions are met, the ~~commission~~ **unemployment agency**  
 29 shall notify the legislature of the determination and request



1 legislative acquiescence in the determination. If the legislature  
 2 approves the determination by concurrent resolution, the employer  
 3 ~~shall be~~ **is** considered to be a ~~"distressed employer"~~ **distressed**  
 4 **employer** as of January 1 of the year in which the determination is  
 5 made. The ~~commission~~ **unemployment agency** shall notify the employer  
 6 of that determination and notify the employer of its contribution  
 7 rate as a distressed employer and the contribution rate that would  
 8 apply if the employer was not a distressed employer. The distressed  
 9 employer shall determine its tax contribution using the 2 rates  
 10 furnished by the ~~commission~~ **unemployment agency** and shall pay its  
 11 tax contribution based on the lower of the 2 rates. If the  
 12 determination of distressed employer status is made during the  
 13 calendar year, the employer ~~shall be~~ **is** entitled to a credit on  
 14 future quarterly installments for any excess contributions paid  
 15 during that initial calendar year. The employer shall notify the  
 16 ~~commission~~ **unemployment agency** of the difference between the amount  
 17 paid and the amount that would have been paid if the employer were  
 18 not determined to be a distressed employer and the difference will  
 19 be owed to the unemployment compensation fund, payable ~~in~~  
 20 ~~accordance with~~ **pursuant to** this subsection. Cumulative totals of  
 21 the difference must be reported to the ~~commission~~ **unemployment**  
 22 **agency** with each return required to be filed. The ~~commission~~  
 23 **unemployment agency** may periodically determine continued  
 24 eligibility of an employer under this subsection. When the  
 25 ~~commission~~ **unemployment agency** makes a determination that an  
 26 employer no longer qualifies as a distressed employer, the  
 27 ~~commission~~ **unemployment agency** shall notify the employer of that  
 28 determination. After notice by the ~~commission~~ **unemployment agency**  
 29 that the employer no longer qualifies as a distressed employer, the



1 employer will be liable for contributions, beginning with the first  
 2 quarter occurring after receipt of notification of  
 3 disqualification, on the basis of the rate that would apply if the  
 4 employer was not a distressed employer. The contribution rate for a  
 5 distressed employer shall be calculated under the law in effect for  
 6 the 1982 calendar year except that the rate determined shall be  
 7 reduced by the applicable solvency tax rate assessed against the  
 8 employer under section 19a. The distressed employer ~~will~~**shall** pay  
 9 in 10 equal annual installments the amount of the unpaid  
 10 contributions owed to the unemployment compensation fund due to the  
 11 application of this subsection, without interest. Each installment  
 12 shall be made with the fourth quarterly return for the respective  
 13 year. As used in this subsection, "distressed employer" means an  
 14 employer whose continued presence in this state is considered  
 15 essential to ~~the~~**this** state's economic well-being and ~~who~~**that**  
 16 meets the following criteria:

17 (1) The employer's average annual Michigan payroll in the 5  
 18 previous years exceeded \$500,000,000.00.

19 (2) The employer's average quarterly number of employees in  
 20 Michigan in the 5 previous years exceeded 25,000.

21 (3) The employer's business income as defined in ~~section 3 of~~  
 22 ~~the single business tax act, 1975 PA 228, MCL 208.3, or section 105~~  
 23 ~~of the Michigan business tax act, 2007 PA 36, MCL 208.1105, as~~  
 24 ~~applicable,~~ has resulted in an aggregate loss of \$1,000,000,000.00  
 25 or more during the 5-year period ending in the second year prior to  
 26 the year for which the application is being made.

27 (4) The employer has received from this state loans totaling  
 28 \$50,000,000.00 or more or loan guarantees from the federal  
 29 government in excess of \$500,000,000.00, either of which are still



1 outstanding.

2 (5) Failure to give an employer designation as a distressed  
3 employer would adversely impair the employer's ability to repay the  
4 outstanding loans owed to this state or that are guaranteed by the  
5 federal government.

6 (d) An employer may at any time make payments to that  
7 employer's experience account in the fund in excess of the  
8 requirements of this section, but these payments, when accepted by  
9 the ~~commission, shall be~~ **unemployment agency, are** irrevocable. A  
10 payment made by an employer within 30 days after mailing to the  
11 employer by the ~~commission~~ **unemployment agency** of a notice of the  
12 adjusted contribution rate of the employer shall be credited to the  
13 employer's account as of the computation date for which the  
14 adjusted contribution rate was computed, and the employer's  
15 contribution rate shall be further adjusted accordingly. However, a  
16 payment made more than 120 days after the beginning of a calendar  
17 year ~~shall~~ **does** not affect the employer's contribution rate for  
18 that year.

19 (e) **If the amount of money in the compensation fund falls**  
20 **below \$2,500,000,000.00 as a result of a state of emergency**  
21 **declared under 1945 PA 302, MCL 10.31 to 10.33, or the emergency**  
22 **management act, 1976 PA 390, MCL 30.401 to 30.421, that requires**  
23 **any contributing employer to close or limit its business operations**  
24 **for any period of time, the unemployment agency shall not increase**  
25 **the contribution rate of a contributing employer.**

