

Act No. 230
Public Act of 1989
December 28, 1989
Filed by the Secretary of State
December 28, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Reps. Giese, Varga, Jaye, DeLange, Ciaramitaro, Perry Bullard, DeBeaussaert, Emerson, Sikkema, Ouwinga, Muxlow, Hoekman, Miller, London, Martin, DeMars, Berman, Hertel and Banks

ENROLLED HOUSE BILL No. 5222

AN ACT to amend Act No. 1 of the Public Acts of the Extra Session of 1936, entitled as amended "An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make an appropriation for carrying out the provisions of this act; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act," as amended, being sections 421.1 to 421.73 of the Michigan Compiled Laws, by adding section 6c.

The People of the State of Michigan enact:

Section 1. Act No. 1 of the Public Acts of the Extra Session of 1936, as amended, being sections 421.1 to 421.73 of the Michigan Compiled Laws, is amended by adding section 6c to read as follows:

Sec. 6c. (1) Within 6 months after the effective date of the amendatory act that added this section, the commission by an affirmative majority vote of the members shall finalize an emergency backup plan for the current computer system. The plan, funded in the amount of \$1,500,000.00 from the penalty and interest account in the contingent fund shall be placed in a reserve established in the account for this purpose.

(2) An emergency shall exist when the commission, due to computer system problems, is unable to service claimants or employers on a statewide, regional, or local basis over a prolonged period of time, as determined by the commission.

(3) Expenditure of funds from the reserve established pursuant to subsection (1) shall only be made after the commission by an affirmative majority vote of the members determines that an emergency exists or according to specific criteria included in the plan approved pursuant to subsection (1).

(4) The emergency plan shall not be required after the commission determines that the unemployment insurance computer system improvement and capacity expansion project is fully operational or 36 months after the effective date of the amendatory act that added this section, whichever occurs first. Unexpended funds remaining in the reserve account at the end of this period shall revert to the penalty and interest account.

(5) The appropriation described in this section shall be considered a work project and shall not lapse at the end of the fiscal year but shall continue to be available for expenditure as provided by law.

Section 2. This amendatory act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

- (a) Senate Bill No. 68.
- (b) Senate Bill No. 466.
- (c) Senate Bill No. 640.
- (d) Senate Bill No. 641.
- (e) Senate Bill No. 644.
- (f) Senate Bill No. 645.
- (g) Senate Bill No. 646.
- (h) House Bill No. 4815.
- (i) House Bill No. 5223.
- (j) House Bill No. 5224.
- (k) House Bill No. 5226.
- (l) House Bill No. 5227.
- (m) House Bill No. 5229.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.