



# HOUSE BILL No. 5033

September 21, 1993, Introduced by Rep. Profit and referred to the Committee on Labor.

A bill to amend section 46 of Act No. 1 of the Public Acts of the Extra Session of 1936, entitled as amended "Michigan employment security act," as amended by Act No. 164 of the Public Acts of 1983, being section 421.46 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 46 of Act No. 1 of the Public Acts of  
2 the Extra Session of 1936, as amended by Act No. 164 of the  
3 Public Acts of 1983, being section 421.46 of the Michigan  
4 Compiled Laws, is amended to read as follows:

5 Sec. 46. (a) "Benefit year" with respect to any individual  
6 means the period of 52 consecutive calendar weeks beginning with  
7 the first calendar week with respect to which the individual, who  
8 does not already have a benefit year in effect, files an  
9 application in accordance with section 32. However, a benefit

1 year shall not be established unless the individual meets all of  
2 the following conditions:

3 (1) THE INDIVIDUAL has earned 20 credit weeks in the 52 con-  
4 secutive calendar weeks IMMEDIATELY preceding the week ~~with~~  
5 ~~respect to which~~ the individual filed an application for  
6 benefits. ~~—~~

7 (2) ~~with~~ WITH respect to the week for which the individual  
8 is filing an application for benefits, THE INDIVIDUAL is unem-  
9 ployed ~~—~~ and meets all of the other requirements of section 28.  
10 ~~—~~

11 (3) ~~with~~ WITH respect to the week for which the individual  
12 is filing an application for benefits, the individual is not dis-  
13 qualified nor subject to disqualification, except in case of a  
14 labor dispute under section 29(8), with respect to the most  
15 recent period of employment with the most recent employer with  
16 whom the individual earned a credit week.

17 If an individual files an application for a 7-day period as  
18 provided in section 27(c), the benefit year with respect to the  
19 individual ~~shall begin~~ BEGINS with the calendar week ~~which~~  
20 THAT contains the first day of that 7-day period.

21 (b) If all, or the then remaining part, of a claimant's  
22 rights to benefits during his or her benefit year are canceled  
23 under ~~the provisions of~~ section 62(b), the remaining portion of  
24 that benefit year shall be terminated ~~as of~~ ON the effective  
25 date of the cancellation.

26 (c) An individual may request a redetermination of his or  
27 her benefit rights and cancellation of a previously established

1 benefit year if he or she has not completed a compensable period.  
2 ~~in such~~ IN THAT case, the benefit year ~~shall begin~~ BEGINS  
3 with the first day of the first week with respect to which the  
4 request for redetermination of benefit rights is ~~duly~~ filed.

5 (d) Notwithstanding section 43(g) and subsection (a), for  
6 services performed on or after January 2, 1983, an individual  
7 ~~shall~~ IS not ~~be~~ entitled to establish a benefit year based in  
8 whole or in part on credit weeks for service in the employ of an  
9 employing unit in which more than 50% of the proprietary interest  
10 is owned by the individual or his or her son, daughter, or  
11 spouse, or any combination of these individuals, or in which more  
12 than 50% of the proprietary interest is owned by the mother or  
13 father of a child under the age of 18, or mother and father com-  
14 bined, unless both the individual and the employer notify the  
15 commission, in response to the commission's request for informa-  
16 tion, of the individual's relationship to the owners of the pro-  
17 prietary interest in the employing unit. Upon timely notifica-  
18 tion to the commission, a benefit year may be established for the  
19 individual ~~if~~ if the individual meets all of the following  
20 conditions:

21 (1) THE INDIVIDUAL has earned 20 ~~credits~~ CREDIT weeks in  
22 the 52 consecutive calendar weeks IMMEDIATELY preceding the week  
23 ~~with respect to which~~ the individual filed an application for  
24 benefits. ~~if~~

25 (2) ~~with~~ WITH respect to the week for which the individual  
26 is filing an application for benefits, THE INDIVIDUAL is

1 unemployed ~~—~~ and meets all of the other requirements of  
2 section 28. ~~—~~

3 (3) ~~with~~ WITH respect to the week for which the individual  
4 is filing an application for benefits, the individual is not dis-  
5 qualified nor subject to disqualification, except in case of a  
6 labor dispute under section 29(8), with respect to the most  
7 recent period of employment with the most recent employer with  
8 whom the individual earned a credit week.

9 If an individual files an application for a 7-day period as  
10 provided in section 27(c), the benefit year with respect to the  
11 individual ~~shall begin~~ BEGINS with the calendar week ~~which~~  
12 THAT contains the first day of that 7-day period. ~~However, for~~  
13 ~~benefit years established on or after July 1, 1983, not more than~~  
14 ~~10 credit weeks based on such services shall be used to pay~~  
15 ~~benefits.~~ For the purpose of calculating the individual's aver-  
16 age weekly wage, all base period wages and credit weeks shall be  
17 used.