

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1075

95TH GENERAL ASSEMBLY

1976L.04T

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 288.062 and 288.330, RSMo, and to enact in lieu thereof three new sections relating to unemployment compensation, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 288.062 and 288.330, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 288.062, 288.330, and 288.501, to read as
3 follows:

288.062. 1. As used in this section, unless the context clearly requires otherwise:

2 (1) "Extended benefit period" means a period which begins with the third week after a
3 week for which there is a state "on" indicator, and ends with either of the following weeks,
4 whichever occurs later:

5 (a) The third week after the first week for which there is a state "off" indicator; or

6 (b) The thirteenth consecutive week of such period; provided, that no extended benefit
7 period may begin by reason of a state "on" indicator before the fourteenth week following the
8 end of a prior extended benefit period which was in effect with respect to this state.

9 (2) There is a "state 'on' indicator" for this state for a week if the director determines, in
10 accordance with the regulations of the United States Secretary of Labor, that for the period
11 consisting of such week and the immediately preceding twelve weeks, the rate of insured
12 unemployment (not seasonally adjusted) under this law:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 (a) Equaled or exceeded one hundred twenty percent of the average of such rates for the
14 corresponding thirteen-week period ending in each of the preceding two calendar years; [and]

15 (b) Equaled or exceeded four percent for weeks beginning prior to or on September 25,
16 1982, or five percent for weeks beginning after September 25, 1982; except that, if the rate of
17 insured unemployment as contemplated in this subdivision equals or exceeds five percent for
18 weeks beginning prior to or on September 25, 1982, or six percent for weeks beginning after
19 September 25, 1982, the determination of an "on" indicator shall be made under this subdivision
20 as if this subdivision did not contain the provisions of paragraph (a) of this subdivision; **and**

21 (c) **With respect to weeks of unemployment beginning on or after February 1, 2009,**
22 **and ending on or before December 5, 2009:**

23 a. **The average rate of total unemployment in the state (seasonally adjusted), as**
24 **determined by the United States Secretary of Labor, for the period consisting of the most**
25 **recent three months for which data for all states are published before the close of such**
26 **week equals or exceeds six and one-half percent; and**

27 b. **The average rate of total unemployment in the state (seasonally adjusted), as**
28 **determined by the United States Secretary of Labor, for the three-month period referred**
29 **to in subparagraph a. of this paragraph, equals or exceeds one hundred and ten percent**
30 **of such average for either or both of the corresponding three-month periods ending in the**
31 **two preceding calendar years.**

32 (3) There is a "state 'off' indicator" for this state for a week if the director determines, in
33 accordance with the regulations of the United States Secretary of Labor, that for the period
34 consisting of such week and the immediately preceding twelve weeks, the rate of insured
35 unemployment (not seasonally adjusted) under this law:

36 (a) Was less than one hundred twenty percent of the average of such rates for the
37 corresponding thirteen-week period ending in each of the preceding two calendar years; or

38 (b) Was less than four percent (five percent for weeks beginning after September 25,
39 1982); except, there shall not be an "off" indicator for any week in which an "on" indicator as
40 contemplated in paragraph (b) of subdivision (2) of this subsection exists.

41 (4) "Rate of insured unemployment", for the purposes of subdivisions (2) and (3) of this
42 subsection, means the percentage derived by dividing:

43 (a) The average weekly number of individuals filing claims for regular compensation in
44 this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week
45 period, as determined by the director on the basis of his **or her** reports to the United States
46 Secretary of Labor, by

47 (b) The average monthly employment covered under this law for the first four of the
48 most recent six completed calendar quarters ending before the end of such thirteen-week period.

49 (5) "Regular benefits" means benefits payable to an individual under this law or under
50 any other state law (including benefits payable to federal civilian employees and ex-servicemen
51 pursuant to 5 U.S.C. chapter 85) other than extended benefits.

52 (6) "Extended benefits" means benefits (including benefits payable to federal civilian
53 employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under
54 the provisions of this section for weeks of unemployment in his **or her** eligibility period.

55 (7) "Eligibility period" of an individual means the period consisting of the weeks in his
56 **or her** benefit year which begin in an extended benefit period and, if his **or her** benefit year ends
57 within such extended benefit period, any weeks thereafter which begin in such period.

58 (8) "Exhaustee" means an individual who, with respect to any week of unemployment
59 in his **or her** eligibility period:

60 (a) Has received, prior to such week, all of the regular benefits that were available to him
61 **or her** under this law or any other state law (including dependents' allowances and benefits
62 payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his **or**
63 **her** current benefit year that includes such week; provided, that, for the purposes of this
64 paragraph, an individual shall be deemed to have received all of the regular benefits that were
65 available to him **or her** although as a result of a pending appeal with respect to wages or
66 employment, or both, that were not considered in the original monetary determination in his **or**
67 **her** benefit year, he may subsequently be determined to be entitled to added regular benefits; or

68 (b) Has received, prior to such week, all the regular compensation available to him **or**
69 **her** in his **or her** current benefit year that includes such week under the unemployment
70 compensation law of the state in which he **or she** files a claim for extended compensation or the
71 unemployment compensation law of any other state after a cancellation of some or all of his **or**
72 **her** wage credits or the partial or total reduction of his **or her** right to regular compensation; or

73 (c) His **or her** benefit year having expired prior to such week, he **or she** has insufficient
74 wages or employment, or both, on the basis of which he **or she** could establish in any state a new
75 benefit year that would include such week, or having established a new benefit year that includes
76 such week, he **or she** is precluded from receiving regular compensation by reason of a state law
77 provision which meets the requirement of section 3304(a)(7) of the Internal Revenue Code of
78 1954; and

79 (d) a. Has no right to unemployment benefits or allowances, as the case may be, under
80 the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive
81 Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by
82 the United States Secretary of Labor; and

83 b. Has not received and is not seeking unemployment benefits under the unemployment
84 compensation law of Canada; but if he **or she** is seeking such benefits and the appropriate agency

85 finally determines that he **or she** is not entitled to benefits under such law he **or she** is considered
86 an exhaustee.

87 (9) "State law" means the unemployment insurance law of any state, approved by the
88 United States Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

89 2. Except when the result would be inconsistent with the other provisions of this section,
90 as provided in the regulations of the director, the provisions of this law which apply to claims
91 for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended
92 benefits.

93 3. An individual shall be eligible to receive extended benefits with respect to any week
94 of unemployment in his **or her** eligibility period only if the deputy finds that with respect to such
95 week:

96 (1) He **or she** is an "exhaustee" as defined in subdivision (8) of subsection 1 of this
97 section;

98 (2) He **or she** has satisfied the requirements of this law for the receipt of regular benefits
99 that are applicable to individuals claiming extended benefits, including not being subject to a
100 disqualification for the receipt of benefits; except that, in the case of a claim for benefits filed
101 in another state, which is acting as an agent state under the Interstate Benefits Payment Plan as
102 provided by regulation, which claim is based on benefit credits accumulated in this state,
103 eligibility for extended benefits shall be limited to the first two compensable weeks unless there
104 is an extended benefit period in effect in both this state and the agent state in which the claim
105 was filed;

106 (3) The other provisions of this law notwithstanding, as to new extended benefit claims
107 filed after September 25, 1982, an individual shall be eligible to receive extended benefits with
108 respect to any week of unemployment in his **or her** eligibility period only if the deputy finds that
109 the total wages in the base period of his **or her** benefit year equal at least one and one-half times
110 the wages paid during that quarter of his **or her** base period in which his **or her** wages were
111 highest.

112 4. A claimant shall not be eligible for extended benefits following any disqualification
113 imposed under subsection 1 or 2 of section 288.050, unless subsequent to the effective date of
114 the disqualification, the claimant has been employed during at least four weeks and has earned
115 wages equal to at least four times his **or her** weekly benefit amount.

116 5. For the purposes of determining eligibility for extended benefits, the term "suitable
117 work" means any work which is within such individual's capabilities except that, if the individual
118 furnishes satisfactory evidence that the prospects for obtaining work in his **or her** customary
119 occupation within a reasonably short period are good, the determination of what constitutes
120 "suitable work" shall be made in accordance with the provisions of subdivision (3) of subsection

121 1 of section 288.050. If a deputy finds that a person who is claiming extended benefits has
122 refused to accept or to apply for suitable work, as defined in this subsection, or has failed to
123 actively engage in seeking work subsequent to the effective date of his **or her** claim for extended
124 benefits, that person shall be ineligible for extended benefits for the period beginning with the
125 first day of the week in which such refusal or failure occurred. That ineligibility shall remain in
126 effect until the person has been employed for at least four weeks after the week in which the
127 refusal or failure occurred and has earned wages equal to at least four times his **or her** weekly
128 benefit amount.

129 6. Extended benefits shall not be denied under subsection 5 of this section to any
130 individual for any week by reason of a failure to accept an offer of or apply for suitable work if:

131 (1) The gross average weekly remuneration for such work does not exceed the
132 individual's weekly benefit amount plus the amount of any supplemental unemployment benefits,
133 as defined in section 501(c)(17)(d) of the Internal Revenue Code, payable to such individual for
134 such week; or

135 (2) The position was not offered to such individual in writing or was not listed with the
136 state employment service; or

137 (3) If the remuneration for the work offered is less than the minimum wage provided by
138 section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, without regard to any
139 exemption or any applicable state or local minimum wage, whichever is the greater.

140 7. For the purposes of this section, an individual shall be considered as actively engaged
141 in seeking work during any week with respect to which the individual has engaged in a
142 systematic and sustained effort to obtain work as indicated by tangible evidence which the
143 individual provides to the division.

144 8. Extended benefits shall not be denied for failure to apply for or to accept suitable work
145 if such failure would not result in a denial of benefits under subdivision (3) of subsection 1 of
146 section 288.050 to the extent that the provisions of subdivision (3) of subsection 1 of section
147 288.050 are not inconsistent with the provisions of subsection 5 and subsection 6 of this section.

148 9. The division shall refer any claimant entitled to extended benefits under this law to
149 any suitable work which meets the criteria established in subsections 5 and 6 of this section.

150 10. Notwithstanding other provisions of this chapter to the contrary, as to claims of
151 extended benefits, subsections 4 to 9 of this section shall not apply to weeks of unemployment
152 beginning after March 6, 1993, and before January 1, 1995. Entitlement to extended benefits for
153 weeks beginning after March 6, 1993, and before January 1, 1995, shall be determined in
154 accordance with provisions of this chapter not excluded by this subsection.

155 11. "Weekly extended benefit amount." The weekly extended benefit amount payable
156 to an individual for a week of total unemployment in his **or her** eligibility period shall be an

157 amount equal to the weekly benefit amount payable to him **or her** during his **or her** applicable
158 benefit year, reduced by a percentage equal to the percentage of the reduction in federal payments
159 to states under section 204 of the Federal State Extended Unemployment Compensation Act of
160 1970, in accord with any order issued under any law of the United States. Such weekly benefit
161 amount, if not a multiple of one dollar, shall be reduced to the nearest lower full dollar amount.

162 12. (1) "Total extended benefit amount." The total extended benefit amount payable to
163 any eligible individual with respect to his **or her** applicable benefit year shall be the lesser of the
164 following amounts:

165 (a) Fifty percent of the total amount of regular benefits which were payable to him **or**
166 **her** under this law in his **or her** applicable benefit year;

167 (b) Thirteen times his **or her** weekly benefit amount which was payable to him **or her**
168 under this law for a week of total unemployment in the applicable benefit year.

169 (2) Notwithstanding subdivision (1) of this subsection, during any fiscal year in which
170 federal payments to states under section 204 of the Federal State Extended Unemployment
171 Compensation Act of 1970 are reduced under any order issued under any law of the United
172 States, the total extended benefit amount payable to an individual with respect to his **or her**
173 applicable benefit year shall be reduced by an amount equal to the aggregate of the reductions
174 under subsection 11 of this section in the weekly amounts paid to the individual.

175 (3) Notwithstanding the other provisions of this subsection, if the benefit year of any
176 individual ends within an extended benefit period, the remaining balance of extended benefits
177 that such individual would, but for this subdivision, be entitled to receive in that extended benefit
178 period, with respect to weeks of unemployment beginning after the end of the benefit year, shall
179 be reduced, but not below zero, by the product of the number of weeks for which the individual
180 received trade readjustment allowances under the Trade Act of 1974, as amended, within that
181 benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

182 (4) (a) **Effective with respect to weeks beginning in a high unemployment period,**
183 **subdivision (1) of this subsection shall be applied by substituting:**

184 a. **Eighty percent for fifty percent in paragraph (a) of subdivision (1) of this**
185 **subsection; and**

186 b. **Twenty times for thirteen times in paragraph (b) of subdivision (1) of this**
187 **subsection.**

188 (b) **For purposes of paragraph (a) of this subdivision, the term "high**
189 **unemployment period" means any period during which an extended benefit period would**
190 **be in effect if subparagraph a. of paragraph (c) of subdivision (2) of subsection 1 of this**
191 **section were applied by substituting eight percent for six and one-half percent.**

192 13. (1) Whenever an extended benefit period is to become effective in this state as a
193 result of a state "on" indicator, or an extended benefit period is to be terminated in this state as
194 a result of a state "off" indicator, the director shall make an appropriate public announcement.

195 (2) Computations required by the provisions of subdivision (4) of subsection 1 of this
196 section, shall be made by the director, in accordance with regulations prescribed by the United
197 States Secretary of Labor.

 288.330. 1. Benefits shall be deemed to be due and payable only to the extent that
2 moneys are available to the credit of the unemployment compensation fund and neither the state
3 nor the division shall be liable for any amount in excess of such sums. The governor is
4 authorized to apply for an advance to the state unemployment fund and to accept the
5 responsibility for the repayment of such advance in order to secure to this state and its citizens
6 the advantages available under the provisions of federal law.

7 2. (1) The purpose of this subsection is to provide a method of providing funds for the
8 payment of unemployment benefits or maintaining an adequate fund balance in the
9 unemployment compensation fund, and as an alternative to borrowing or obtaining advances
10 from the federal unemployment trust fund or for refinancing those loans or advances.

11 (2) For the purposes of this subsection, "credit instrument" means any type of borrowing
12 obligation issued under this section, including any bonds, commercial line of credit note, tax
13 anticipation note or similar instrument.

14 (3) (a) There is hereby created for the purposes of implementing the provisions of this
15 subsection a body corporate and politic to be known as the "Board of Unemployment Fund
16 Financing". The powers of the board shall be vested in five board members who shall be the
17 governor, lieutenant governor, attorney general, director of the department of labor, and the
18 commissioner of administration. The board shall have all powers necessary to effectuate its
19 purposes including, without limitation, the power to provide a seal, keep records of its
20 proceedings, and provide for professional services. The governor shall serve as chair, the
21 lieutenant governor shall serve as vice chair, and the commissioner of administration shall serve
22 as secretary. Staff support for the board shall be provided by the commissioner of
23 administration;

24 (b) Notwithstanding the provisions of any other law to the contrary:

25 a. No officer or employee of this state shall be deemed to have forfeited or shall forfeit
26 his or her office or employment by reason of his or her acceptance of an appointment as a board
27 member or for his or her service to the board;

28 b. Board members shall receive no compensation for the performance of their duties
29 under this subsection, but each commissioner shall be reimbursed from the funds of the

30 commission for his or her actual and necessary expenses incurred in carrying out his or her
31 official duties under this subsection.

32 (c) In the event that any of the board members or officers of the board whose signatures
33 or facsimile signatures appear on any credit instrument shall cease to be board members or
34 officers before the delivery of such credit instrument, their signatures or facsimile signatures
35 shall be valid and sufficient for all purposes as if such board members or officers had remained
36 in office until delivery of such credit instrument.

37 (d) Neither the board members executing the credit instruments of the board nor any
38 other board members shall be subject to any personal liability or accountability by reason of the
39 issuance of the credit instruments.

40 (4) The board is authorized, by offering for public negotiated sale, to issue, sell, and
41 deliver credit instruments, bearing interest at a fixed or variable rate as shall be determined by
42 the board, which shall mature no later than ten years after issuance, in the name of the board in
43 an amount determined by the board[, provided that the unpaid principal amount of any
44 outstanding credit instruments, combined with the unpaid principal amount of any financing
45 agreement entered into under subdivision (17) of this subsection, shall not exceed four hundred
46 fifty million dollars at any one time]. Such credit instruments may be issued, sold, and delivered
47 for the purposes set forth in subdivision (1) of this subsection. Such credit instrument may only
48 be issued upon the approval of a resolution authorizing such issuance by a simple majority of the
49 members of the board, with no other proceedings required.

50 (5) The board shall provide for the payment of the principal of the credit instruments,
51 any redemption premiums, the interest on the credit instruments, and the costs attributable to the
52 credit instruments being issued or outstanding as provided in this chapter. Unless the board
53 directs otherwise, the credit instrument shall be repaid in the same time frame and in the same
54 amounts as would be required for loans issued pursuant to 42 U.S.C. Section 1321; however, in
55 no case shall credit instruments be outstanding for more than ten years.

56 (6) The board may irrevocably pledge money received from the credit instrument and
57 financing agreement repayment surcharge under subsection 3 of section 288.128, and other
58 money legally available to it, which is deposited in an account authorized for credit instrument
59 repayment in the special employment security fund, provided that the general assembly has first
60 appropriated moneys received from such surcharge and other moneys deposited in such account
61 for the payment of credit instruments.

62 (7) Credit instruments issued under this section shall not constitute debts of this state or
63 of the board or any agency, political corporation, or political subdivision of this state and are not
64 a pledge of the faith and credit of this state, the board or of any of those governmental entities
65 and shall not constitute an indebtedness within the meaning of any constitutional or statutory

66 limitation upon the incurring of indebtedness. The credit instruments are payable only from
67 revenue provided for under this chapter. The credit instruments shall contain a statement to the
68 effect that:

69 (a) Neither the state nor the board nor any agency, political corporation, or political
70 subdivision of the state shall be obligated to pay the principal or interest on the credit instruments
71 except as provided by this section; and

72 (b) Neither the full faith and credit nor the taxing power of the state nor the board nor
73 any agency, political corporation, or political subdivision of the state is pledged to the payment
74 of the principal, premium, if any, or interest on the credit instruments.

75 (8) The board pledges and agrees with the owners of any credit instruments issued under
76 this section that the state will not limit or alter the rights vested in the board to fulfill the terms
77 of any agreements made with the owners or in any way impair the rights and remedies of the
78 owners until the credit instruments are fully discharged.

79 (9) The board may prescribe the form, details, and incidents of the credit instruments and
80 make such covenants that in its judgment are advisable or necessary to properly secure the
81 payment thereof. If such credit instruments shall be authenticated by the bank or trust company
82 acting as registrar for such by the manual signature of a duly authorized officer or employee
83 thereof, the duly authorized officers of the board executing and attesting such credit instruments
84 may all do so by facsimile signature provided such signatures have been duly filed as provided
85 in the uniform facsimile signature of public officials law, sections 105.273 to 105.278, RSMo,
86 when duly authorized by resolution of the board, and the provisions of section 108.175, RSMo,
87 shall not apply to such credit instruments. The board may provide for the flow of funds and the
88 establishment and maintenance of separate accounts within the special employment security
89 fund, including the interest and sinking account, the reserve account, and other necessary
90 accounts, and may make additional covenants with respect to the credit instruments in the
91 documents authorizing the issuance of credit instruments including refunding credit instruments.
92 The resolutions authorizing the issuance of credit instruments may also prohibit the further
93 issuance of credit instruments or other obligations payable from appropriated moneys or may
94 reserve the right to issue additional credit instruments to be payable from appropriated moneys
95 on a parity with or subordinate to the lien and pledge in support of the credit instruments being
96 issued and may contain other provisions and covenants as determined by the board, provided that
97 any terms, provisions or covenants provided in any resolution of the board shall not be
98 inconsistent with the provisions of this section.

99 (10) The board may issue credit instruments to refund all or any part of the outstanding
100 credit instruments issued under this section including matured but unpaid interest. As with other

101 credit instruments issued under this section, such refunding credit instruments may bear interest
102 at a fixed or variable rate as determined by the board.

103 (11) The credit instruments issued by the board, any transaction relating to the credit
104 instruments, and profits made from the sale of the credit instruments are free from taxation by
105 the state or by any municipality, court, special district, or other political subdivision of the state.

106 (12) As determined necessary by the board the proceeds of the credit instruments less
107 the cost of issuance shall be placed in the state's unemployment compensation fund and may be
108 used for the purposes for which that fund may otherwise be used. If those net proceeds are not
109 placed immediately in the unemployment compensation fund they shall be held in the special
110 employment security fund in an account designated for that purpose until they are transferred to
111 the unemployment compensation fund provided that the proceeds of refunding credit instruments
112 may be placed in an escrow account or such other account or instrument as determined necessary
113 by the board.

114 (13) The board may enter into any contract or agreement deemed necessary or desirable
115 to effectuate cost-effective financing hereunder. Such agreements may include credit
116 enhancement, credit support, or interest rate agreements including, but not limited to,
117 arrangements such as municipal bond insurance; surety bonds; tax anticipation notes; liquidity
118 facilities; forward agreements; tender agreements; remarketing agreements; option agreements;
119 interest rate swap, exchange, cap, lock or floor agreements; letters of credit; and purchase
120 agreements. Any fees or costs associated with such agreements shall be deemed administrative
121 expenses for the purposes of calculating the credit instrument and financing agreement
122 repayment surcharge under subsection 3 of section 288.128. The board, with consideration of
123 all other costs being equal, shall give preference to Missouri-headquartered financial institutions,
124 or those out-of-state-based financial institutions with at least one hundred Missouri employees.

125 (14) To the extent this section conflicts with other laws the provisions of this section
126 prevail. This section shall not be subject to the provisions of sections 23.250 to 23.298, RSMo.

127 (15) If the United States Secretary of Labor holds that a provision of this subsection or
128 of any provision related to the levy or use of the credit instrument and financial agreement
129 repayment surcharge does not conform with a federal statute or would result in the loss to the
130 state of any federal funds otherwise available to it the board, in cooperation with the department
131 of labor and industrial relations, may administer this subsection, and other provisions related to
132 the credit instrument and financial agreement repayment surcharge, to conform with the federal
133 statute until the general assembly meets in its next regular session and has an opportunity to
134 amend this subsection or other sections, as applicable.

135 (16) Nothing in this chapter shall be construed to prohibit the officials of the state from
136 borrowing from the government of the United States in order to pay unemployment benefits
137 under subsection 1 of this section or otherwise.

138 (17) (a) As used in this subdivision the term "lender" means any state or national bank.

139 (b) The board is authorized to enter financial agreements with any lender for the
140 purposes set forth in subdivision (1) of this subsection, or to refinance other financial agreements
141 in whole or in part, upon the approval of the simple majority of the members of the board of a
142 resolution authorizing such financial agreements, with no other proceedings required. [The total
143 amount of the outstanding obligation under all such agreements at any one time shall not exceed
144 the difference of four hundred fifty million dollars and the principal amount of credit instruments
145 outstanding under this subsection.] In no instance shall the outstanding obligation under any
146 financial agreement continue for more than ten years. Repayment of obligations to lenders shall
147 be made from the special employment security fund, section 288.310, subject to appropriation
148 by the general assembly.

149 (c) Financial agreements entered into under this subdivision shall not constitute debts
150 of this state or of the board or any agency, political corporation, or political subdivision of this
151 state and are not a pledge of the faith and credit of this state, the board or of any of those
152 governmental entities and shall not constitute an indebtedness within the meaning of any
153 constitutional or statutory limitation upon the incurring of indebtedness. The financial
154 agreements are payable only from revenue provided for under this chapter. The financial
155 agreements shall contain a statement to the effect that:

156 a. Neither the state nor the board nor any agency, political corporation, or political
157 subdivision of the state shall be obligated to pay the principal or interest on the financial
158 agreements except as provided by this section; and

159 b. Neither the full faith and credit nor the taxing power of the state nor the board nor any
160 agency, political corporation, or political subdivision of the state is pledged to the payment of
161 the principal, premium, if any, or interest on the financial agreements.

162 (d) Neither the board members executing the financial agreements nor any other board
163 members shall be subject to any personal liability or accountability by reason of the execution
164 of such financial agreements.

165 (e) The board may prescribe the form, details and incidents of the financing agreements
166 and make such covenants that in its judgment are advisable or necessary to properly secure the
167 payment thereof provided that any terms, provisions or covenants provided in any such financing
168 agreement shall not be inconsistent with the provisions of this section. If such financing
169 agreements shall be authenticated by the bank or trust company acting as registrar for such by
170 the manual signature of a duly authorized officer or employee thereof, the duly authorized

171 officers of the board executing and attesting such financing agreements may all do so by
172 facsimile signature provided such signatures have been duly filed as provided in the uniform
173 facsimile signature of public officials law, sections 105.273 to 105.278, RSMo, when duly
174 authorized by resolution of the board and the provisions of section 108.175, RSMo, shall not
175 apply to such financing agreements.

176 (18) The commission may issue credit instruments to refund all or any part of the
177 outstanding borrowing issued under this section including matured but unpaid interest.

178 (19) The credit instruments issued by the commission, any transaction relating to the
179 credit instruments, and profits made from the issuance of credit are free from taxation by the
180 state or by any municipality, court, special district, or other political subdivision of the state.

181 3. In event of the suspension of this law, any unobligated funds in the unemployment
182 compensation fund, and returned by the United States Treasurer because such Federal Social
183 Security Act is inoperative, shall be held in custody by the treasurer and under supervision of the
184 division until the legislature shall provide for the disposition thereof. In event no disposition is
185 made by the legislature at the next regular meeting subsequent to suspension of said law, then
186 all unobligated funds shall be returned ratably to those who contributed thereto.

187 4. For purposes of this section, as contained in senate substitute no. 2 for senate
188 committee substitute for house substitute for house committee substitute for house bill nos. 1268
189 and 1211, ninety-second general assembly, second regular session, the revisor of statutes shall
190 renumber subdivision (16) of subsection 2 of such section as subdivision (17) of such subsection
191 and renumber subdivision (17) of subsection 2 of such section as subdivision (16) of such
192 subsection.

288.501. Notwithstanding any other provision of law to the contrary:

2 (1) **If a claimant does not have sufficient wages in the base period to be an insured**
3 **worker, as those terms are defined in section 288.030, the individual's base period shall be**
4 **the four most recently completed calendar quarters preceding the first day of the**
5 **individual's benefit year. Such base period shall be known as the "alternate base period".**
6 **If information as to wages for the most recent quarter of the alternate base period is not**
7 **available to the deputy from the regular quarterly reports of wage information, which are**
8 **systematically accessible, the deputy may base the determination of eligibility for benefits**
9 **on the affidavit of the claimant with respect to wages for that calendar quarter. The**
10 **claimant shall furnish payroll documentation, where available, in support of the affidavit.**
11 **The determination based upon the alternate base period as it relates to the claimant's**
12 **benefit rights shall be amended if the quarterly report of wage information from the**
13 **employer is timely received and that information causes a change in the determination. No**

14 calendar quarter in a base period or alternate base period for a claimant's current benefit
15 year shall be used to establish a subsequent benefit year.

16 (2) The claimant shall not be disqualified from unemployment compensation for
17 separating from employment if that separation is for any compelling family reason. For
18 the purposes of this section, the term "compelling family reason" shall mean:

19 (a) The illness or disability of a member of the claimant's immediate family, which
20 shall include the claimant's spouse, parent, or minor child under the age of eighteen;

21 (b) The need for the claimant to accompany such claimant's spouse to a location
22 from which it is impractical for the claimant to commute and due to a change in location
23 of the spouse's employment;

24 (c) Domestic violence, verified by reasonable and confidential documentation,
25 which causes the claimant reasonably to believe that the claimant's continued employment
26 would jeopardize the safety of the claimant or of any member of the claimant's family, as
27 defined by the United States Secretary of Labor.

28 (3) A claimant who has commenced training under the Workforce Investment Act
29 of 1998, or director-approved training under section 288.055, and has exhausted the
30 claimant's regular unemployment benefits shall be eligible for additional unemployment
31 benefits, not to exceed twenty-six times the claimant's weekly benefit amount. The weekly
32 benefit amount shall be the same as the claimant's regular weekly benefit amount and shall
33 be paid under the same terms and conditions as regular benefits. These training benefits
34 shall be paid after any extended benefits or any similar benefits paid by a federally funded
35 program.

36 (4) Priority for training funds provided under subdivision (3) of this section shall
37 be given to claimants laid off through no fault of their own from Missouri automobile
38 manufacturing facilities.

39 (5) No charges shall be made against an employer's account in respect to benefits
40 paid to a claimant under this section.

41 (6) The director shall separately track payments that were made under this section.
42 Once the amount of payments exceeds the amount of federal incentive funds made
43 available because of the enactment of this section, the unemployment compensation fund
44 shall be reimbursed from general revenue for all subsequent payments to the claimants.

45 (7) The provisions of this section shall be subject to renewal in the second regular
46 session of the ninety-fifth general assembly. If not renewed, the provisions of this section
47 shall expire once the funds provided under the American Recovery and Reinvestment Act
48 of 2009 are expended as provided in this section.

49 **(8) The provisions of this section shall not take effect, and no benefits paid under**
50 **this section, unless first certified by the United States Secretary of Labor under 42**
51 **U.S.C.1103, as amended by the American Recovery and Reinvestment Act of 2009.**

 Section B. Because immediate action is necessary to help Missourians during economic
2 hardship, section A of this act is deemed necessary for the immediate preservation of the public
3 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the
4 meaning of the constitution, and section A of this act shall be in full force and effect upon its
5 passage and approval.

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Speaker of the House

President Pro Tem of the Senate

Governor