

SECOND REGULAR SESSION

# HOUSE BILL NO. 2039

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PATTERSON.

4466H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, and to enact in lieu thereof one new section relating to employment security, with a delayed effective date.

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

Section A. Section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 288.060, to read as follows:

288.060. 1. All benefits shall be paid through employment offices in accordance with such regulations as the division may prescribe.

2. Each eligible insured worker who is totally unemployed in any week shall be paid for such week a sum equal to his or her weekly benefit amount.

3. Each eligible insured worker who is partially unemployed in any week shall be paid for such week a partial benefit. Such partial benefit shall be an amount equal to the difference between his or her weekly benefit amount and that part of his or her wages for such week in excess of twenty dollars, and, if such partial benefit amount is not a multiple of one dollar, such amount shall be reduced to the nearest lower full dollar amount. For calendar year 2007 and each year thereafter, such partial benefit shall be an amount equal to the difference between his or her weekly benefit amount and that part of his or her wages for such week in excess of twenty dollars or twenty percent of his or her weekly benefit amount, whichever is greater, and, if such partial benefit amount is not a multiple of one dollar, such amount shall be reduced to the nearest

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.

14 lower full dollar amount. Pay received by an eligible insured worker who is a member of the  
15 organized militia for training or duty authorized by Section 502(a)(1) of Title 32, United States  
16 Code, shall not be considered wages for the purpose of this subsection.

17 4. The division shall compute the wage credits for each individual by crediting him or  
18 her with the wages paid to him or her for insured work during each quarter of his or her base  
19 period or twenty-six times his or her weekly benefit amount, whichever is the lesser. In addition,  
20 if a claimant receives wages in the form of termination pay or severance pay and such payment  
21 appears in a base period established by the filing of an initial claim, the claimant may, at his or  
22 her option, choose to have such payment included in the calendar quarter in which it was paid  
23 or choose to have it prorated equally among the quarters comprising the base period of the claim.  
24 For the purpose of this section, wages shall be counted as wage credits for any benefit year, only  
25 if such benefit year begins subsequent to the date on which the employing unit by whom such  
26 wages were paid has become an employer. The wage credits of an individual earned during the  
27 period commencing with the end of a prior base period and ending on the date on which he or  
28 she filed an allowed initial claim shall not be available for benefit purposes in a subsequent  
29 benefit year unless, in addition thereto, such individual has subsequently earned either wages for  
30 insured work in an amount equal to at least five times his or her current weekly benefit amount  
31 or wages in an amount equal to at least ten times his or her current weekly benefit amount.

32 5. The duration of benefits payable to any insured worker during any benefit year shall  
33 be limited to:

34 (1) Twenty weeks if the Missouri average unemployment rate is **higher than** nine  
35 percent [~~or higher~~];

36 (2) Nineteen weeks if the Missouri average unemployment rate is [~~between~~] **higher than**  
37 eight and one-half percent [~~and~~] **but no higher than** nine percent;

38 (3) Eighteen weeks if the Missouri average unemployment rate is **higher than** eight  
39 percent [~~up to and including~~] **but no higher than** eight and one-half percent;

40 (4) Seventeen weeks if the Missouri average unemployment rate is [~~between~~] **higher**  
41 **than** seven and one-half percent [~~and~~] **but no higher than** eight percent;

42 (5) Sixteen weeks if the Missouri average unemployment rate is **higher than** seven  
43 percent [~~up to and including~~] **but no higher than** seven and one-half percent;

44 (6) Fifteen weeks if the Missouri average unemployment rate is [~~between~~] **higher than**  
45 six and one-half percent [~~and~~] **but no higher than** seven percent;

46 (7) Fourteen weeks if the Missouri average unemployment rate is **higher than** six  
47 percent [~~up to and including~~] **but no higher than** six and one-half percent;

48 (8) Thirteen weeks if the Missouri average unemployment rate is **higher than five and**  
49 **one-half percent but no higher than** [~~below~~] six percent; **and**

50           **(9) Twelve weeks if the Missouri average unemployment rate is at or below five and**  
51 **one-half percent.**

52

53 As used in this subsection, the phrase "Missouri average unemployment rate" means the average  
54 of the seasonally adjusted statewide unemployment rates as published by the United States  
55 Department of Labor, Bureau of Labor Statistics, for the time periods of January first through  
56 March thirty-first and July first through September thirtieth. The average of the seasonally  
57 adjusted statewide unemployment rates for the time period of January first through March  
58 thirty-first shall be effective on and after July first of each year and shall be effective through  
59 December thirty-first. The average of the seasonally adjusted statewide unemployment rates for  
60 the time period of July first through September thirtieth shall be effective on and after January  
61 first of each year and shall be effective through June thirtieth; and

62           (9) The provisions of this subsection shall become effective January 1, 2016.

63           6. In the event that benefits are due a deceased person and no petition has been filed for  
64 the probate of the will or for the administration of the estate of such person within thirty days  
65 after his or her death, the division may by regulation provide for the payment of such benefits  
66 to such person or persons as the division finds entitled thereto and every such payment shall be  
67 a valid payment to the same extent as if made to the legal representatives of the deceased.

68           7. The division is authorized to cancel any benefit warrant remaining outstanding and  
69 unpaid one year after the date of its issuance and there shall be no liability for the payment of any  
70 such benefit warrant thereafter.

71           8. The division may establish an electronic funds transfer system to transfer directly to  
72 claimants' accounts in financial institutions benefits payable to them pursuant to this chapter.  
73 To receive benefits by electronic funds transfer, a claimant shall satisfactorily complete a direct  
74 deposit application form authorizing the division to deposit benefit payments into a designated  
75 checking or savings account. Any electronic funds transfer system created pursuant to this  
76 subsection shall be administered in accordance with regulations prescribed by the division.

77           9. The division may issue a benefit warrant covering more than one week of benefits.

78           10. Prior to January 1, 2005, the division shall institute procedures including, but not  
79 limited to, name, date of birth, and Social Security verification matches for remote claims filing  
80 via the use of telephone or the internet in accordance with such regulations as the division shall  
81 prescribe. At a minimum, the division shall verify the Social Security number and date of birth  
82 when an individual claimant initially files for unemployment insurance benefits. If verification  
83 information does not match what is on file in division databases to what the individual is stating,  
84 the division shall require the claimant to submit a division-approved form requesting an affidavit  
85 of eligibility prior to the payment of additional future benefits. The division of employment

86 security shall cross-check unemployment compensation applicants and recipients with Social  
 87 Security Administration data maintained by the federal government at least weekly. The division  
 88 of employment security shall cross-check at least monthly unemployment compensation  
 89 applicants and recipients with department of revenue drivers license databases.

90 **11. The division may promulgate all necessary rules and regulations for the**  
 91 **administration of this section. Any rule or portion of a rule, as that term is defined in**  
 92 **section 536.010, that is created under the authority delegated in this section shall become**  
 93 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**  
 94 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**  
 95 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**  
 96 **the effective date, or to disapprove and annul a rule are subsequently held**  
 97 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
 98 **after the effective date of this act shall be invalid and void.**

99

2 ~~[288.060. 1. All benefits shall be paid through employment offices in  
 accordance with such regulations as the division may prescribe.~~

3 ~~2. Each eligible insured worker who is totally unemployed in any week  
 4 shall be paid for such week a sum equal to his or her weekly benefit amount.~~

5 ~~3. Each eligible insured worker who is partially unemployed in any week  
 6 shall be paid for such week a partial benefit. Such partial benefit shall be an  
 7 amount equal to the difference between his or her weekly benefit amount and that  
 8 part of his or her wages for such week in excess of twenty dollars, and, if such  
 9 partial benefit amount is not a multiple of one dollar, such amount shall be  
 10 reduced to the nearest lower full dollar amount. For calendar year 2007 and each  
 11 year thereafter, such partial benefit shall be an amount equal to the difference  
 12 between his or her weekly benefit amount and that part of his or her wages for  
 13 such week in excess of twenty dollars or twenty percent of his or her weekly  
 14 benefit amount, whichever is greater, and, if such partial benefit amount is not a  
 15 multiple of one dollar, such amount shall be reduced to the nearest lower full  
 16 dollar amount. Termination pay, severance pay, or pay received by an eligible  
 17 insured worker who is a member of the organized militia for training or duty  
 18 authorized by Section 502(a)(1) of Title 32, United States Code, shall not be  
 19 considered wages for the purpose of this subsection.~~

20 ~~4. The division shall compute the wage credits for each individual by  
 21 crediting him or her with the wages paid to him or her for insured work during  
 22 each quarter of his or her base period or twenty-six times his or her weekly  
 23 benefit amount, whichever is the lesser. In addition, if a claimant receives wages  
 24 in the form of termination pay or severance pay and such payment appears in a  
 25 base period established by the filing of an initial claim, the claimant may, at his  
 26 or her option, choose to have such payment included in the calendar quarter in  
 27 which it was paid or choose to have it prorated equally among the quarters~~

28 comprising the base period of the claim. The maximum total amount of benefits  
29 payable to any insured worker during any benefit year shall not exceed twenty  
30 times his or her weekly benefit amount, or thirty-three and one-third percent of  
31 his or her wage credits, whichever is the lesser. For the purpose of this section,  
32 wages shall be counted as wage credits for any benefit year, only if such benefit  
33 year begins subsequent to the date on which the employing unit by whom such  
34 wages were paid has become an employer. The wage credits of an individual  
35 earned during the period commencing with the end of a prior base period and  
36 ending on the date on which he or she filed an allowed initial claim shall not be  
37 available for benefit purposes in a subsequent benefit year unless, in addition  
38 thereto, such individual has subsequently earned either wages for insured work  
39 in an amount equal to at least five times his or her current weekly benefit amount  
40 or wages in an amount equal to at least ten times his or her current weekly benefit  
41 amount.

42 ~~5. In the event that benefits are due a deceased person and no petition has~~  
43 ~~been filed for the probate of the will or for the administration of the estate of such~~  
44 ~~person within thirty days after his or her death, the division may by regulation~~  
45 ~~provide for the payment of such benefits to such person or persons as the division~~  
46 ~~finds entitled thereto and every such payment shall be a valid payment to the~~  
47 ~~same extent as if made to the legal representatives of the deceased.~~

48 ~~6. The division is authorized to cancel any benefit warrant remaining~~  
49 ~~outstanding and unpaid one year after the date of its issuance and there shall be~~  
50 ~~no liability for the payment of any such benefit warrant thereafter.~~

51 ~~7. The division may establish an electronic funds transfer system to~~  
52 ~~transfer directly to claimants' accounts in financial institutions benefits payable~~  
53 ~~to them pursuant to this chapter. To receive benefits by electronic funds transfer,~~  
54 ~~a claimant shall satisfactorily complete a direct deposit application form~~  
55 ~~authorizing the division to deposit benefit payments into a designated checking~~  
56 ~~or savings account. Any electronic funds transfer system created pursuant to this~~  
57 ~~subsection shall be administered in accordance with regulations prescribed by the~~  
58 ~~division.~~

59 ~~8. The division may issue a benefit warrant covering more than one week~~  
60 ~~of benefits.~~

61 ~~9. Prior to January 1, 2005, the division shall institute procedures~~  
62 ~~including, but not limited to, name, date of birth, and Social Security verification~~  
63 ~~matches for remote claims filing via the use of telephone or the internet in~~  
64 ~~accordance with such regulations as the division shall prescribe. At a minimum,~~  
65 ~~the division shall verify the Social Security number and date of birth when an~~  
66 ~~individual claimant initially files for unemployment insurance benefits. If~~  
67 ~~verification information does not match what is on file in division databases to~~  
68 ~~what the individual is stating, the division shall require the claimant to submit a~~  
69 ~~division-approved form requesting an affidavit of eligibility prior to the payment~~  
70 ~~of additional future benefits. The division of employment security shall~~

71 ~~cross-check unemployment compensation applicants and recipients with Social~~  
72 ~~Security Administration data maintained by the federal government at least~~  
73 ~~weekly. The division of employment security shall cross-check at least monthly~~  
74 ~~unemployment compensation applicants and recipients with department of~~  
75 ~~revenue drivers license databases.]~~  
76

Section B. The repeal of section 288.060 as enacted by house bill no. 163, ninety-sixth  
2 general assembly, first regular session, and the repeal and reenactment of section 288.060 as  
3 enacted by house bill no. 150, ninety-eighth general assembly, first regular session, of this act  
4 shall become effective on January 1, 2021.

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