

FIRST REGULAR SESSION

# HOUSE BILL NO. 409

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALDRIDGE.

1290H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 67.1401, 67.1411, 67.1452, 67.1461, 67.1501, 67.1511, 67.1551, 67.1561, 67.1571, 288.062, and 290.528, RSMo, and to enact in lieu thereof nine new sections relating to the regulation of employment practices by political subdivisions.

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

Section A. Sections 67.1401, 67.1411, 67.1452, 67.1461, 67.1501, 67.1511, 67.1551, 2 67.1561, 67.1571, 288.062, and 290.528, RSMo, are repealed and nine new sections enacted in 3 lieu thereof, to be known as sections 67.1401, 67.1411, 67.1452, 67.1461, 67.1501, 67.1511, 4 67.1551, 67.1561, and 288.062, to read as follows:

67.1401. 1. Sections 67.1401 to [~~67.1571~~] **67.1561** shall be known and may be cited as 2 the "Community Improvement District Act".

2. For the purposes of sections 67.1401 to [~~67.1571~~] **67.1561**, the following words and 3 4 terms mean:

(1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to 5 6 [~~67.1571~~] **67.1561**, a simple majority of those qualified voters voting in the election;

(2) "Assessed value", the assessed value of real property as reflected on the tax records 7 8 of the county clerk of the county in which the property is located, or the collector of revenue if 9 the property is located in a city not within a county, as of the last completed assessment;

(3) "Blighted area", an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or 11 12 unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, 13 or the existence of conditions which endanger life or property by fire and other causes, or any 14 combination of such factors, retards the provision of housing accommodations or constitutes an

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.

15 economic or social liability or a menace to the public health, safety, morals or welfare in its  
16 present condition and use; or

17 (b) Has been declared blighted or found to be a blighted area pursuant to Missouri law  
18 including, but not limited to, chapter 353, sections 99.800 to 99.865, or sections 99.300 to  
19 99.715;

20 (4) "Board", if the district is a political subdivision, the board of directors of the district,  
21 or if the district is a not-for-profit corporation, the board of directors of such corporation;

22 (5) "Director of revenue", the director of the department of revenue of the state of  
23 Missouri;

24 (6) "District", a community improvement district, established pursuant to sections  
25 67.1401 to ~~[67.1571]~~ **67.1561**;

26 (7) "Election authority", the election authority having jurisdiction over the area in which  
27 the boundaries of the district are located pursuant to chapter 115;

28 (8) "Municipal clerk", the clerk of the municipality;

29 (9) "Municipality", any city, village, incorporated town, or county of this state, or in any  
30 unincorporated area that is located in any county with a charter form of government and with  
31 more than one million inhabitants;

32 (10) "Obligations", bonds, loans, debentures, notes, special certificates, or other  
33 evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes  
34 or to refund outstanding obligations;

35 (11) "Owner", for real property, the individual or individuals or entity or entities who  
36 own a fee interest in real property that is located within the district or their legally authorized  
37 representative; for business organizations and other entities, the owner shall be deemed to be the  
38 individual which is legally authorized to represent the entity in regard to the district;

39 (12) "Per capita", one head count applied to each individual, entity or group of  
40 individuals or entities having fee ownership of real property within the district whether such  
41 individual, entity or group owns one or more parcels of real property in the district as joint  
42 tenants, tenants in common, tenants by the entirety, tenants in partnership, except that with  
43 respect to a condominium created under sections 448.1-101 to 448.4-120, "per capita" means one  
44 head count applied to the applicable unit owners' association and not to each unit owner;

45 (13) "Petition", a petition to establish a district as it may be amended in accordance with  
46 the requirements of section 67.1421;

47 (14) "Qualified voters",

48 (a) For purposes of elections for approval of real property taxes:

49 a. Registered voters; or

50 b. If no registered voters reside in the district, the owners of one or more parcels of real  
51 property which is to be subject to such real property taxes and is located within the district per  
52 the tax records for real property of the county clerk, or the collector of revenue if the district is  
53 located in a city not within a county, as of the thirtieth day prior to the date of the applicable  
54 election;

55 (b) For purposes of elections for approval of business license taxes or sales taxes:

56 a. Registered voters; or

57 b. If no registered voters reside in the district, the owners of one or more parcels of real  
58 property located within the district per the tax records for real property of the county clerk as of  
59 the thirtieth day before the date of the applicable election; and

60 (c) For purposes of the election of directors of the board, registered voters and owners  
61 of real property which is not exempt from assessment or levy of taxes by the district and which  
62 is located within the district per the tax records for real property of the county clerk, or the  
63 collector of revenue if the district is located in a city not within a county, of the thirtieth day prior  
64 to the date of the applicable election; and

65 (15) "Registered voters", persons who reside within the district and who are qualified  
66 and registered to vote pursuant to chapter 115, pursuant to the records of the election authority  
67 as of the thirtieth day prior to the date of the applicable election.

67.1411. 1. The governing body of any municipality or county may establish one or  
2 more districts in the manner provided in sections 67.1401 to ~~67.1571~~ **67.1561**.

3 2. The boundaries of the district shall be contiguous.

4 3. Each district shall be either a political subdivision of the state or a not-for-profit  
5 corporation organized pursuant to chapter 355.

6 4. If a proposed district is a not-for-profit corporation, such corporation shall be  
7 organized and in good standing pursuant to the provisions of chapter 355 at the time the petition  
8 for the proposed district is filed with the municipal clerk.

9 5. The name of the district shall include "community improvement district" and if it is  
10 a not-for-profit corporation, it shall be the same as the name of the not-for-profit corporation.

67.1452. In any election for the board of directors of a community improvement district  
2 as established in sections 67.1401 to ~~67.1571~~ **67.1561**, no person shall cast more than one  
3 ballot.

67.1461. 1. Each district shall have all the powers, except to the extent any such power  
2 has been limited by the petition approved by the governing body of the municipality to establish  
3 the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401  
4 to ~~67.1571~~ **67.1561** including, but not limited to, the following:

- 5 (1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to  
6 ~~[67.1571]~~ **67.1561**, necessary or convenient to carry out the provisions of sections 67.1401 to  
7 ~~[67.1571]~~ **67.1561**;
- 8 (2) To sue and be sued;
- 9 (3) To make and enter into contracts and other instruments, with public and private  
10 entities, necessary or convenient to exercise its powers and carry out its duties pursuant to  
11 sections 67.1401 to ~~[67.1571]~~ **67.1561**;
- 12 (4) To accept grants, guarantees and donations of property, labor, services, or other  
13 things of value from any public or private source;
- 14 (5) To employ or contract for such managerial, engineering, legal, technical, clerical,  
15 accounting, or other assistance as it deems advisable;
- 16 (6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real  
17 property within its boundaries, personal property, or any interest in such property;
- 18 (7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise  
19 encumber or dispose of any real or personal property or any interest in such property;
- 20 (8) To levy and collect special assessments and taxes as provided in sections 67.1401  
21 to ~~[67.1571]~~ **67.1561**. However, no such assessments or taxes shall be levied on any property  
22 exempt from taxation pursuant to subdivision (5) of section 137.100. Those exempt pursuant to  
23 subdivision (5) of section 137.100 may voluntarily participate in the provisions of sections  
24 67.1401 to ~~[67.1571]~~ **67.1561**;
- 25 (9) If the district is a political subdivision, to levy real property taxes and business  
26 license taxes in the county seat of a county of the first classification containing a population of  
27 at least two hundred thousand, as provided in sections 67.1401 to ~~[67.1571]~~ **67.1561**. However,  
28 no such assessments or taxes shall be levied on any property exempt from taxation pursuant to  
29 subdivisions (2) and (5) of section 137.100. Those exempt pursuant to subdivisions (2) and (5)  
30 of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to ~~[67.1571]~~  
31 **67.1561**;
- 32 (10) If the district is a political subdivision, to levy sales taxes pursuant to sections  
33 67.1401 to ~~[67.1571]~~ **67.1561**;
- 34 (11) To fix, charge, and collect fees, rents, and other charges for use of any of the  
35 following:
- 36 (a) The district's real property, except for public rights-of-way for utilities;
- 37 (b) The district's personal property, except in a city not within a county; or
- 38 (c) Any of the district's interests in such real or personal property, except for public  
39 rights-of-way for utilities;

40 (12) To borrow money from any public or private source and issue obligations and  
41 provide security for the repayment of the same as provided in sections 67.1401 to [~~67.1571~~]  
42 **67.1561**;

43 (13) To loan money as provided in sections 67.1401 to [~~67.1571~~] **67.1561**;

44 (14) To make expenditures, create reserve funds, and use its revenues as necessary to  
45 carry out its powers or duties and the provisions and purposes of sections 67.1401 to [~~67.1571~~]  
46 **67.1561**;

47 (15) To enter into one or more agreements with the municipality for the purpose of  
48 abating any public nuisance within the boundaries of the district including, but not limited to,  
49 the stabilization, repair or maintenance or demolition and removal of buildings or structures,  
50 provided that the municipality has declared the existence of a public nuisance;

51 (16) Within its boundaries, to provide assistance to or to construct, reconstruct, install,  
52 repair, maintain, and equip any of the following public improvements:

53 (a) Pedestrian or shopping malls and plazas;

54 (b) Parks, lawns, trees, and any other landscape;

55 (c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;

56 (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic  
57 signs and signals, utilities, drainage, water, storm and sewer systems, and other site  
58 improvements;

59 (e) Parking lots, garages, or other facilities;

60 (f) Lakes, dams, and waterways;

61 (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees,  
62 awnings, canopies, walls, and barriers;

63 (h) Telephone and information booths, bus stop and other shelters, rest rooms, and  
64 kiosks;

65 (i) Paintings, murals, display cases, sculptures, and fountains;

66 (j) Music, news, and child-care facilities; and

67 (k) Any other useful, necessary, or desired improvement;

68 (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks,  
69 parks, and other real property and improvements located within its boundaries for public use;

70 (18) Within its boundaries and with the municipality's consent, to prohibit or restrict  
71 vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks,  
72 and tunnels and to provide the means for access by emergency vehicles to or in such areas;

73 (19) Within its boundaries, to operate or to contract for the provision of music, news,  
74 child-care, or parking facilities, and buses, minibuses, or other modes of transportation;

75 (20) Within its boundaries, to lease space for sidewalk café tables and chairs;

76 (21) Within its boundaries, to provide or contract for the provision of security personnel,  
77 equipment, or facilities for the protection of property and persons;

78 (22) Within its boundaries, to provide or contract for cleaning, maintenance, and other  
79 services to public and private property;

80 (23) To produce and promote any tourism, recreational or cultural activity or special  
81 event in the district by, but not limited to, advertising, decoration of any public place in the  
82 district, promotion of such activity and special events, and furnishing music in any public place;

83 (24) To support business activity and economic development in the district including,  
84 but not limited to, the promotion of business activity, development and retention, and the  
85 recruitment of developers and businesses;

86 (25) To provide or support training programs for employees of businesses within the  
87 district;

88 (26) To provide refuse collection and disposal services within the district;

89 (27) To contract for or conduct economic, planning, marketing or other studies;

90 (28) To repair, restore, or maintain any abandoned cemetery on public or private land  
91 within the district; and

92 (29) To partner with a telecommunications company or broadband service provider in  
93 order to construct or improve telecommunications facilities which shall be wholly owned and  
94 operated by the telecommunications company or broadband service provider, as the terms  
95 "telecommunications company" and "telecommunications facilities" are defined in section  
96 386.020 and subject to the provisions of section 392.410, that are in an unserved or underserved  
97 area, as defined in section 620.2450. Before any facilities are improved or constructed as a result  
98 of this section, the area shall be certified as unserved or underserved by the director of broadband  
99 development within the department of economic development;

100 (30) To carry out any other powers set forth in sections 67.1401 to ~~[67.1571]~~ **67.1561**.

101 2. Each district which is located in a blighted area or which includes a blighted area shall  
102 have the following additional powers:

103 (1) Within its blighted area, to contract with any private property owner to demolish and  
104 remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private  
105 property owner; and

106 (2) To expend its revenues or loan its revenues pursuant to a contract entered into  
107 pursuant to this subsection, provided that the governing body of the municipality has determined  
108 that the action to be taken pursuant to such contract is reasonably anticipated to remediate the  
109 blighting conditions and will serve a public purpose.

110 3. Each district shall annually reimburse the municipality for the reasonable and actual  
111 expenses incurred by the municipality to establish such district and review annual budgets and

112 reports of such district required to be submitted to the municipality; provided that, such annual  
113 reimbursement shall not exceed one and one-half percent of the revenues collected by the district  
114 in such year.

115 4. Nothing in sections 67.1401 to ~~[67.1571]~~ **67.1561** shall be construed to delegate to  
116 any district any sovereign right of municipalities to promote order, safety, health, morals, and  
117 general welfare of the public, except those such police powers, if any, expressly delegated  
118 pursuant to sections 67.1401 to ~~[67.1571]~~ **67.1561**.

119 5. The governing body of the municipality establishing the district shall not decrease the  
120 level of publicly funded services in the district existing prior to the creation of the district or  
121 transfer the financial burden of providing the services to the district unless the services at the  
122 same time are decreased throughout the municipality, nor shall the governing body discriminate  
123 in the provision of the publicly funded services between areas included in such district and areas  
124 not so included.

67.1501. 1. A district may use any one or more of the assessments, taxes, or other  
2 funding methods specifically authorized pursuant to sections 67.1401 to ~~[67.1571]~~ **67.1561** to  
3 provide funds to accomplish any power, duty or purpose of the district.

4 2. A district may establish different classes of real property within the district for  
5 purposes of special assessments. The levy rate for special assessments may vary for each class  
6 or subclass based on the level of benefit derived from services or improvements funded, provided  
7 or caused to be provided by the district.

8 3. Notwithstanding anything in sections 67.1401 to ~~[67.1571]~~ **67.1561** to the contrary,  
9 any district which is not a political subdivision shall have no power to levy any tax but shall have  
10 the power to levy special assessments in accordance with section 67.1521.

67.1511. 1. Any municipality in which any part of a district is located may, by  
2 ordinance, establish a community improvement district municipal fund in the municipality's  
3 treasury.

4 2. This fund may be used to:

5 (1) Pay the costs of planning, administration and any improvement authorized in sections  
6 67.1401 to ~~[67.1571]~~ **67.1561**;

7 (2) Prepare preliminary plans, studies and engineering reports to determine the feasibility  
8 of a public improvement or service; or

9 (3) If ordered by the governing body of the municipality, pay the initial cost of the public  
10 improvement or service until obligations have been issued and sold.

11 3. The fund is not required to be budgeted for expenditure during any year, but the  
12 amount of the fund must be stated in the municipality's annual budget. The amount of the fund

13 shall be based on an annual service plan that describes the public improvements and services for  
14 the fiscal year.

15 4. A grant-in-aid or contribution made to the municipality for the planning and  
16 preparation of plans for public improvement or service authorized pursuant to sections 67.1401  
17 to ~~[67.1571]~~ **67.1561** may be credited to the community improvement district municipal fund.

18 5. Other political subdivisions may enter into cooperative agreements with the district  
19 to make payments in lieu of taxes.

67.1551. 1. Notwithstanding the provisions of chapter 115, an election for real estate  
2 tax pursuant to sections 67.1401 to ~~[67.1571]~~ **67.1561** shall be conducted in accordance with the  
3 provisions of this section.

4 2. After the board has passed a resolution for the levy of real property tax and a vote of  
5 the qualified voters is required, the board shall provide written notice of such resolution to the  
6 election authority. The board shall be entitled to rescind such resolution provided that written  
7 notice of such rescission is delivered to the election authority prior to the time the election  
8 authority mails the ballots to the qualified voters.

9 3. Upon receipt of written notice of a district's resolution for the levy of a real property  
10 tax the election authority shall:

11 (1) Specify a date upon which the election shall occur which date shall be a Tuesday, and  
12 shall be not earlier than the tenth Tuesday, and not later than the fifteenth Tuesday, after the date  
13 of the board's passage of the resolution and shall not be on the same day as an election conducted  
14 pursuant to the provisions of chapter 115;

15 (2) Publish notice of the election in a newspaper of general circulation within the  
16 municipality two times. The first publication date shall be more than sixty days prior to the date  
17 of the election and the second publication date shall be not more than thirty days and not less  
18 than ten days prior to the date of the election. The published notice shall include, but not be  
19 limited to, the following information:

20 (a) The name and general boundaries of the district;

21 (b) The type of tax proposed, its rate, purpose and duration;

22 (c) The date the ballots for the election shall be mailed to qualified voters;

23 (d) The date of the election;

24 (e) Qualified voters will consist of:

25 a. Such persons who reside within the district and who are registered voters pursuant to  
26 the records of the election authority as of the thirtieth day prior to the date of the election; or

27 b. If no such registered voters reside in the district, the owners of real property located  
28 within the district pursuant to the tax records of the county clerk, or the collector of revenue if



29 the district is located in a city not within a county, for real property as of the thirtieth day prior  
30 to the date of the election;

31 (f) A statement that persons residing in the district shall register to vote with the election  
32 authority on or before the thirtieth day prior to the date of the election in order to be a qualified  
33 voter for purposes of the election;

34 (g) A statement that the ballot must be returned to the election authority's office in  
35 person, or by depositing the ballot in the United States mail addressed to the election authority's  
36 office and postmarked, not later than the date of the election; and

37 (h) A statement that any qualified voter that did not receive a ballot in the mail or lost  
38 the ballot received in the mail may pick up a mail-in ballot at the election authority's office,  
39 specifying the dates and time such ballot will be available and the location of the election  
40 authority's office;

41 (3) The election authority shall mail to each qualified voter not more than fifteen days  
42 and not less than ten days prior to the date of the election together with a notice containing  
43 substantially the same information as the published notice and a return addressed envelope  
44 directed to the election authority's office with a sworn affidavit on the reverse side of such  
45 envelope for the qualified voter's signature. For purposes of mailing ballots to real property  
46 owners only one ballot shall be mailed per capita at the address shown on the records of the  
47 county clerk, or the collector of revenue if the district is located in a city not within a county.  
48 Such affidavit shall be in substantially the following form:

49 FOR REGISTERED VOTERS:

50 I hereby declare under penalties of perjury that I reside in the \_\_\_\_\_ (insert name)  
51 Community Improvement District and I am a registered voter and qualified to vote in this  
52 election.

53 \_\_\_\_\_  
54 Qualified Voter's Signature

55 \_\_\_\_\_  
56 Printed Name of Qualified Voter

57 FOR REAL PROPERTY OWNERS:

58 I hereby declare under penalty of perjury that I am the owner of real property in the  
59 \_\_\_\_\_ (insert name) Community Improvement District and qualified to vote in this election,  
60 or authorized to affix my signature on behalf of the owner (named below) of real property in the  
61 \_\_\_\_\_ (insert name) Community Improvement District which is qualified to vote in this  
62 election.

63 \_\_\_\_\_  
64 Signature

65 \_\_\_\_\_  
 66 Print Name of Real Property Owner  
 67 If Signer is Different from Owner:  
 68 Name of Signer: \_\_\_\_\_  
 69 State Basis of Legal Authority to Sign: \_\_\_\_\_  
 70

71 All persons or entities having a fee ownership in the property shall sign the ballot. Additional  
 72 signature pages may be affixed to this ballot to accommodate all required signatures.

73 4. Each qualified voter shall have one vote. Each voted ballot shall be signed with the  
 74 authorized signature.

75 5. Mail-in ballots shall be returned to the election authority's office in person, or by  
 76 depositing the ballot in the United States mail addressed to the election authority's office and  
 77 postmarked, no later than the date of the election. The election authority shall transmit all voted  
 78 ballots to a team of judges of not less than four, with an equal number from each of the two  
 79 major political parties. The judges shall be selected by the municipal clerk from lists compiled  
 80 by the election authority. Upon receipt of the voted ballots, the judges shall verify the  
 81 authenticity of the ballots, canvass the votes, and certify the results. Certification by the election  
 82 judges shall be final and shall be immediately transmitted to the election authority. Any  
 83 qualified voter who voted in such election may contest the result in the same manner as provided  
 84 in chapter 115.

85 6. The results of the election shall be entered upon the records of the election authority  
 86 and a certified copy of the election results shall be filed with the municipal clerk, who shall cause  
 87 the same to be entered upon the records of the municipal clerk.

88 7. The district shall reimburse the election authority for the costs it incurs to conduct an  
 89 election under this section.

67.1561. No lawsuit to set aside a district established, or a special assessment or a tax  
 2 levied under sections 67.1401 to ~~[67.1571]~~ **67.1561** or to otherwise question the validity of the  
 3 proceedings related thereto shall be brought after the expiration of ninety days from the effective  
 4 date of the ordinance establishing such district in question or the election establishing a district  
 5 pursuant to section 67.1422 or the effective date of the resolution levying such special  
 6 assessment or tax in question or the effective date of a merger of two districts under section  
 7 67.1485.

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,  
10 in 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:

13 (a) a. Equaled or exceeded one hundred twenty percent of the average of such rates for  
14 the 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 subparagraph a. of paragraph (a) of this  
21 subdivision; or

22 (b) With respect to weeks of unemployment beginning on or after February 1, 2009, and  
23 ending on or before the week ending four weeks prior to the last week of unemployment for  
24 which one hundred percent federal sharing is available under the provisions of Public Law 111-5,  
25 Section 2005(a) or August 28, 2013, whichever should occur first:

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

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

35 c. Effective with respect to compensation for weeks of unemployment beginning after  
36 the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job  
37 Creation Act of 2010, Public Law 111-312, and ending on or before the last day allowable by the  
38 Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, the  
39 average rate of total unemployment in the state (seasonally adjusted), as determined by the  
40 United States Secretary of Labor, for the three-month period referred to in subparagraph a. of this

41 paragraph, equals or exceeds one hundred and ten percent of such average for any or all of the  
42 corresponding three-month periods ending in the three preceding calendar years;

43 (3) There is a “state ‘off’ indicator” for this state for a week if the director determines,  
44 in accordance with the regulations of the United States Secretary of Labor, that for the period  
45 consisting of such week and the immediately preceding twelve weeks, the rate of insured  
46 unemployment (not seasonally adjusted) under this law:

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

49 (b) Was less than four percent (five percent for weeks beginning after September 25,  
50 1982); except, there shall not be an “off” indicator for any week in which an “on” indicator as  
51 contemplated in subparagraph b. of paragraph (a) of subdivision (2) of this subsection exists;

52 (4) “Rate of insured unemployment”, for the purposes of subdivisions (2) and (3) of this  
53 subsection, means the percentage derived by dividing:

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

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

60 (5) “Regular benefits” means benefits payable to an individual under this law or under  
61 any other state law (including benefits payable to federal civilian employees and ex-servicemen  
62 pursuant to 5 U.S.C. Chapter 85) other than extended benefits;

63 (6) “Extended benefits” means benefits (including benefits payable to federal civilian  
64 employees and to ex-servicemen pursuant to 5 U.S.C. Chapter 85) payable to an individual under  
65 the provisions of this section for weeks of unemployment in his or her eligibility period;

66 (7) “Eligibility period” of an individual means the period consisting of the weeks in his  
67 or her benefit year which begin in an extended benefit period and, if his or her benefit year ends  
68 within such extended benefit period, any weeks thereafter which begin in such period;

69 (8) “Exhaustee” means an individual who, with respect to any week of unemployment  
70 in his or her eligibility period:

71 (a) Has received, prior to such week, all of the regular benefits that were available to him  
72 or her under this law or any other state law (including dependents’ allowances and benefits  
73 payable to federal civilian employees and ex-servicemen under 5 U.S.C. Chapter 85) in his or  
74 her current benefit year that includes such week; provided, that, for the purposes of this  
75 paragraph, an individual shall be deemed to have received all of the regular benefits that were  
76 available to him or her although as a result of a pending appeal with respect to wages or

77 employment, or both, that were not considered in the original monetary determination in his or  
78 her benefit year, he **or she** may subsequently be determined to be entitled to added regular  
79 benefits; or

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

85 (c) His or her benefit year having expired prior to such week, he or she has insufficient  
86 wages or employment, or both, on the basis of which he or she could establish in any state a new  
87 benefit year that would include such week, or having established a new benefit year that includes  
88 such week, he or she is precluded from receiving regular compensation by reason of a state law  
89 provision which meets the requirement of Section 3304(a)(7) of the Internal Revenue Code of  
90 1954; and

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

95 b. Has not received and is not seeking unemployment benefits under the unemployment  
96 compensation law of Canada; but if he or she is seeking such benefits and the appropriate agency  
97 finally determines that he or she is not entitled to benefits under such law he or she is considered  
98 an exhaustee;

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

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

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

108 (1) He or she is an exhaustee as defined in subdivision (8) of subsection 1 of this section;

109 (2) He or she has satisfied the requirements of this law for the receipt of regular benefits  
110 that are applicable to individuals claiming extended benefits, including not being subject to a  
111 disqualification for the receipt of benefits; except that, in the case of a claim for benefits filed  
112 in another state, which is acting as an agent state under the Interstate Benefits Payment Plan as

113 provided by regulation, which claim is based on benefit credits accumulated in this state,  
114 eligibility for extended benefits shall be limited to the first two compensable weeks unless there  
115 is an extended benefit period in effect in both this state and the agent state in which the claim  
116 was filed;

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

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

127 5. For the purposes of determining eligibility for extended benefits, the term “suitable  
128 work” means any work which is within such individual’s capabilities except that, if the  
129 individual furnishes satisfactory evidence that the prospects for obtaining work in his or her  
130 customary occupation within a reasonably short period are good, the determination of what  
131 constitutes suitable work shall be made in accordance with the provisions of subdivision (3) of  
132 subsection 1 of section 288.050. If a deputy finds that a person who is claiming extended  
133 benefits has refused to accept or to apply for suitable work, as defined in this subsection, or has  
134 failed to actively engage in seeking work subsequent to the effective date of his or her claim for  
135 extended benefits, that person shall be ineligible for extended benefits for the period beginning  
136 with the first day of the week in which such refusal or failure occurred. That ineligibility shall  
137 remain in effect until the person has been employed for at least four weeks after the week in  
138 which the refusal or failure occurred and has earned wages equal to at least four times his or her  
139 weekly benefit amount.

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

142 (1) The gross average weekly remuneration for such work does not exceed the  
143 individual’s weekly benefit amount plus the amount of any supplemental unemployment  
144 **compensation** benefits, as defined in Section [~~501(c)(17)(d)] 501(c)(17)(D)~~ of the Internal  
145 Revenue Code, payable to such individual for such week; or

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

148 (3) ~~[H]~~ The remuneration for the work offered is less than the minimum wage provided  
149 by Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, without regard to any  
150 exemption or any applicable **state or local** minimum wage ~~[as provided in Section~~  
151 ~~202(a)(3)(D)(iv)(II) of the Federal State Extended Unemployment Compensation Act of 1970],~~  
152 whichever is the greater. ~~[Pursuant to section 290.528, a local minimum wage is not authorized~~  
153 ~~under state law.]~~

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

158 8. Extended benefits shall not be denied for failure to apply for or to accept suitable work  
159 if such failure would not result in a denial of benefits under subdivision (3) of subsection 1 of  
160 section 288.050 to the extent that the provisions of subdivision (3) of subsection 1 of section  
161 288.050 are not inconsistent with the provisions of subsections 5 and 6 of this section.

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

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

169 11. "Weekly extended benefit amount." The weekly extended benefit amount payable  
170 to an individual for a week of total unemployment in his or her eligibility period shall be an  
171 amount equal to the weekly benefit amount payable to him or her during his or her applicable  
172 benefit year, reduced by a percentage equal to the percentage of the reduction in federal payments  
173 to states under Section 204 of the Federal State Extended Unemployment Compensation Act of  
174 1970, in accord with any order issued under any law of the United States. Such weekly benefit  
175 amount, if not a multiple of one dollar, shall be reduced to the nearest lower full dollar amount.

176 12. (1) "Total extended benefit amount." The total extended benefit amount payable  
177 to any eligible individual with respect to his or her applicable benefit year shall be the lesser of  
178 the following amounts:

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

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

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

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

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

198 a. Eighty percent for fifty percent in paragraph (a) of subdivision (1) of this subsection;  
 199 and

200 b. Twenty times for thirteen times in paragraph (b) of subdivision (1) of this subsection.

201 (b) For purposes of paragraph (a) of this subdivision, the term “high unemployment  
 202 period” means any period during which an extended benefit period would be in effect if  
 203 subparagraph a. of paragraph (b) of subdivision (2) of subsection 1 of this section were applied  
 204 by substituting eight percent for six and one-half percent.

205 13. (1) Whenever an extended benefit period is to become effective in this state as a  
 206 result of a state “on” indicator, or an extended benefit period is to be terminated in this state as  
 207 a result of a state “off” indicator, the director shall make an appropriate public announcement.

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

2 ~~[67.1571. No municipality as defined in section 1, paragraph 2,~~  
 3 ~~subsection (9) shall establish, mandate or otherwise require a minimum wage that~~  
 4 ~~exceeds the state minimum wage.]~~

2 ~~[290.528. 1. As used in this section, the following terms shall mean:~~  
 3 ~~(1) “Employee”, an individual employed in this state by an employer;~~  
 4 ~~(2) “Employer”, any individual, sole proprietorship, partnership, limited~~  
~~liability company, corporation, or any other entity that is legally doing business~~



5 in this state; except that, the term “employer” shall not include any public  
6 employer, as defined in section 285.525;  
7 ~~(3) “Employment benefits”, anything of value that an employee may~~  
8 ~~receive from an employer in addition to wages and salary. The term includes, but~~  
9 ~~is not limited to, health, disability, retirement, profit-sharing, and death benefits;~~  
10 ~~group accidental death and dismemberment benefits; paid or unpaid days off~~  
11 ~~from work for holidays, sick leave, vacation, and personal necessity; and terms~~  
12 ~~of employment, attendance, or leave policies;~~  
13 ~~(4) “Political subdivision”, any municipality, special district, local~~  
14 ~~governmental body, county, city, town, or village.~~  
15 ~~2. Notwithstanding any other provisions of law to the contrary, no~~  
16 ~~political subdivision shall establish, mandate, or otherwise require an employer~~  
17 ~~to provide to an employee:~~  
18 ~~(1) A minimum or living wage rate; or~~  
19 ~~(2) Employment benefits;~~  
20  
21 ~~that exceed state laws, rules, or regulations. Sections 290.500 to 290.530 shall~~  
22 ~~preempt and nullify all political subdivision ordinances, rules, and regulations~~  
23 ~~currently in effect or later enacted relating to the establishment or enforcement~~  
24 ~~of a minimum or living wage or the provision of employment benefits that exceed~~  
25 ~~state laws, rules, or regulations.]~~

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