

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 649

101ST GENERAL ASSEMBLY

1496S.05C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 288.036 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, section 288.036 as enacted by house bill no. 1456, ninety-third general assembly, second regular session, 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 three new sections relating to employment security, with an effective date for a certain section.

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

Section A. Section 288.036 as enacted by house bill no.
2 150, ninety-eighth general assembly, first regular session,
3 section 288.036 as enacted by house bill no. 1456, ninety-third
4 general assembly, second regular session, section 288.060 as
5 enacted by house bill no. 150, ninety-eighth general assembly,
6 first regular session, and section 288.060 as enacted by house
7 bill no. 163, ninety-sixth general assembly, first regular
8 session, are repealed and three new sections enacted in lieu
9 thereof, to be known as sections 288.036, 288.060, and 288.104,
10 to read as follows:

[288.036. 1. "Wages" means all
2 remuneration, payable or paid, for personal
3 services including commissions and bonuses and,
4 except as provided in subdivision (7) of this
5 section, the cash value of all remuneration paid
6 in any medium other than cash. Gratuities,
7 including tips received from persons other than

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

8 the employing unit, shall be considered wages
9 only if required to be reported as wages
10 pursuant to the Federal Unemployment Tax Act, 26
11 U.S.C. Section 3306, and shall be, for the
12 purposes of this chapter, treated as having been
13 paid by the employing unit. Severance pay shall
14 be considered as wages to the extent required
15 pursuant to the Federal Unemployment Tax Act, 26
16 U.S.C. Section 3306(b). Vacation pay,
17 termination pay, severance pay and holiday pay
18 shall be considered as wages for the week with
19 respect to which it is payable. The total
20 amount of wages derived from severance pay, if
21 paid to an insured in a lump sum, shall be
22 prorated on a weekly basis at the rate of pay
23 received by the insured at the time of
24 termination for the purposes of determining
25 unemployment benefits eligibility. The term
26 "wages" shall not include:

27 (1) The amount of any payment made
28 (including any amount paid by an employing unit
29 for insurance or annuities, or into a fund, to
30 provide for any such payment) to, or on behalf
31 of, an individual under a plan or system
32 established by an employing unit which makes
33 provision generally for individuals performing
34 services for it or for a class or classes of
35 such individuals, on account of:

36 (a) Sickness or accident disability, but
37 in case of payments made to an employee or any
38 of the employee's dependents this paragraph
39 shall exclude from the term wages only payments
40 which are received pursuant to a workers'
41 compensation law; or

42 (b) Medical and hospitalization expenses
43 in connection with sickness or accident
44 disability; or

45 (c) Death;

46 (2) The amount of any payment on account
47 of sickness or accident disability, or medical
48 or hospitalization expenses in connection with
49 sickness or accident disability, made by an
50 employing unit to, or on behalf of, an
51 individual performing services for it after the
52 expiration of six calendar months following the
53 last calendar month in which the individual
54 performed services for such employing unit;

55 (3) The amount of any payment made by an
56 employing unit to, or on behalf of, an
57 individual performing services for it or his or
58 her beneficiary:

59 (a) From or to a trust described in 26
60 U.S.C. Section 401(a) which is exempt from tax
61 pursuant to 26 U.S.C. Section 501(a) at the time
62 of such payment unless such payment is made to
63 an employee of the trust as remuneration for

64 services rendered as such an employee and not as
65 a beneficiary of the trust; or

66 (b) Under or to an annuity plan which, at
67 the time of such payments, meets the
68 requirements of Section 404(a)(2) of the Federal
69 Internal Revenue Code (26 U.S.C.A. Section 404);

70 (4) The amount of any payment made by an
71 employing unit (without deduction from the
72 remuneration of the individual in employment) of
73 the tax imposed pursuant to Section 3101 of the
74 Federal Internal Revenue Code (26 U.S.C.A.
75 Section 3101) upon an individual with respect to
76 remuneration paid to an employee for domestic
77 service in a private home or for agricultural
78 labor;

79 (5) Remuneration paid in any medium other
80 than cash to an individual for services not in
81 the course of the employing unit's trade or
82 business;

83 (6) Remuneration paid in the form of meals
84 provided to an individual in the service of an
85 employing unit where such remuneration is
86 furnished on the employer's premises and at the
87 employer's convenience, except that remuneration
88 in the form of meals that is considered wages
89 and required to be reported as wages pursuant to
90 the Federal Unemployment Tax Act, 26 U.S.C.
91 Section 3306 shall be reported as wages as
92 required thereunder;

93 (7) For the purpose of determining wages
94 paid for agricultural labor as defined in
95 paragraph (b) of subdivision (1) of subsection
96 12 of section 288.034 and for domestic service
97 as defined in subsection 13 of section 288.034,
98 only cash wages paid shall be considered;

99 (8) Beginning on October 1, 1996, any
100 payment to, or on behalf of, an employee or the
101 employee's beneficiary under a cafeteria plan,
102 if such payment would not be treated as wages
103 pursuant to the Federal Unemployment Tax Act.

104 2. The increases or decreases to the state
105 taxable wage base for the remainder of calendar
106 year 2004 shall be eight thousand dollars, and
107 the state taxable wage base in calendar year
108 2005, and each calendar year thereafter, shall
109 be determined by the provisions within this
110 subsection. On January 1, 2005, the state
111 taxable wage base for calendar year 2005, 2006,
112 and 2007 shall be eleven thousand dollars. The
113 taxable wage base for calendar year 2008 shall
114 be twelve thousand dollars. The state taxable
115 wage base for each calendar year thereafter
116 shall be determined by the average balance of
117 the unemployment compensation trust fund of the
118 four preceding calendar quarters (September
119 thirtieth, June thirtieth, March thirty-first,
120 and December thirty-first of the preceding

121 calendar year), less any outstanding federal
 122 Title XII advances received pursuant to section
 123 288.330, less the principal, interest, and
 124 administrative expenses related to any credit
 125 instrument issued under section 288.030, and
 126 less the principal, interest, and administrative
 127 expenses related to any financial agreements
 128 under subdivision (17) of subsection 2 of
 129 section 288.330. When the average balance of
 130 the unemployment compensation trust fund of the
 131 four preceding quarters (September thirtieth,
 132 June thirtieth, March thirty-first, and December
 133 thirty-first of the preceding calendar year), as
 134 so determined is:

135 (1) Less than, or equal to, three hundred
 136 fifty million dollars, then the wage base shall
 137 increase by one thousand dollars; or
 138 (2) Six hundred fifty million or more,
 139 then the state taxable wage base for the
 140 subsequent calendar year shall be decreased by
 141 five hundred dollars. In no event, however,
 142 shall the state taxable wage base increase
 143 beyond twelve thousand five hundred dollars, or
 144 decrease to less than seven thousand dollars.
 145 For calendar year 2009, the tax wage base shall
 146 be twelve thousand five hundred dollars. For
 147 calendar year 2010 and each calendar year
 148 thereafter, in no event shall the state taxable
 149 wage base increase beyond thirteen thousand
 150 dollars, or decrease to less than seven thousand
 151 dollars.
 152 For any calendar year, the state taxable wage
 153 base shall not be reduced to less than that part
 154 of the remuneration which is subject to a tax
 155 under a federal law imposing a tax against which
 156 credit may be taken for contributions required
 157 to be paid into a state unemployment
 158 compensation trust fund. Nothing in this
 159 section shall be construed to prevent the wage
 160 base from increasing or decreasing by increments
 161 of five hundred dollars.]

288.036. 1. "Wages" means all remuneration, payable
 2 or paid, for personal services including commissions and
 3 bonuses and, except as provided in subdivision (7) of this
 4 [section] **subsection**, the cash value of all remuneration
 5 paid in any medium other than cash. Gratuities, including
 6 tips received from persons other than the employing unit,
 7 shall be considered wages only if required to be reported as
 8 wages [pursuant to] **under** the Federal Unemployment Tax Act,
 9 26 U.S.C. Section [3306] **3301, et seq., as amended**, and

10 shall be, for the purposes of this chapter, treated as
11 having been paid by the employing unit. Severance pay shall
12 be considered as wages to the extent required [pursuant to]
13 **under** the Federal Unemployment Tax Act, 26 U.S.C. Section
14 3306(b). Vacation pay, **termination pay, severance pay,** and
15 holiday pay shall be considered as wages for the week with
16 respect to which it is payable. **The total amount of wages**
17 **derived from severance pay, if paid to an insured in a lump**
18 **sum, shall be pro-rated on a weekly basis at the rate of pay**
19 **received by the insured at the time of termination for the**
20 **purposes of determining unemployment benefits eligibility.**

21 The term "wages" shall not include:

22 (1) The amount of any payment made (including any
23 amount paid by an employing unit for insurance or annuities,
24 or into a fund, to provide for any such payment) to, or on
25 behalf of, an individual under a plan or system established
26 by an employing unit which makes provision generally for
27 individuals performing services for it or for a class or
28 classes of such individuals, on account of:

29 (a) Sickness or accident disability, but in case of
30 payments made to an employee or any of the employee's
31 dependents this paragraph shall exclude from the term wages
32 only payments which are received pursuant to a workers'
33 compensation law; or

34 (b) Medical and hospitalization expenses in connection
35 with sickness or accident disability; or

36 (c) Death;

37 (2) The amount of any payment on account of sickness
38 or accident disability, or medical or hospitalization
39 expenses in connection with sickness or accident disability,
40 made by an employing unit to, or on behalf of, an individual
41 performing services for it after the expiration of six

42 calendar months following the last calendar month in which
43 the individual performed services for such employing unit;

44 (3) The amount of any payment made by an employing
45 unit to, or on behalf of, an individual performing services
46 for it or his or her beneficiary:

47 (a) From or to a trust described in 26 U.S.C. Section
48 401(a) which is exempt from tax pursuant to 26 U.S.C.
49 Section 501(a) at the time of such payment unless such
50 payment is made to an employee of the trust as remuneration
51 for services rendered as such an employee and not as a
52 beneficiary of the trust; or

53 (b) Under or to an annuity plan which, at the time of
54 such payments, meets the requirements of Section 404(a)(2)
55 of the Federal Internal Revenue Code (26 U.S.C.A. Section
56 404);

57 (4) The amount of any payment made by an employing
58 unit (without deduction from the remuneration of the
59 individual in employment) of the tax imposed pursuant to
60 Section 3101 of the Federal Internal Revenue Code (26
61 U.S.C.A. Section 3101) upon an individual with respect to
62 remuneration paid to an employee for domestic service in a
63 private home or for agricultural labor;

64 (5) Remuneration paid in any medium other than cash to
65 an individual for services not in the course of the
66 employing unit's trade or business;

67 (6) Remuneration paid in the form of meals provided to
68 an individual in the service of an employing unit where such
69 remuneration is furnished on the employer's premises and at
70 the employer's convenience, except that remuneration in the
71 form of meals that is considered wages and required to be
72 reported as wages pursuant to the Federal Unemployment Tax

73 Act, 26 U.S.C. Section 3306 shall be reported as wages as
74 required thereunder;

75 (7) For the purpose of determining wages paid for
76 agricultural labor as defined in paragraph (b) of
77 subdivision (1) of subsection 12 of section 288.034 and for
78 domestic service as defined in subsection 13 of section
79 288.034, only cash wages paid shall be considered;

80 (8) Beginning on October 1, 1996, any payment to, or
81 on behalf of, an employee or the employee's beneficiary
82 under a cafeteria plan, if such payment would not be treated
83 as wages pursuant to the Federal Unemployment Tax Act.

84 2. The increases or decreases to the state taxable
85 wage base for the remainder of calendar year 2004 shall be
86 eight thousand dollars, and the state taxable wage base in
87 calendar year 2005, and each calendar year thereafter, shall
88 be determined by the provisions within this subsection. On
89 January 1, 2005, the state taxable wage base for calendar
90 year 2005, 2006, and 2007 shall be eleven thousand dollars.
91 The taxable wage base for calendar year 2008 shall be twelve
92 thousand dollars. The state taxable wage base for each
93 calendar year thereafter shall be determined by the average
94 balance of the unemployment compensation trust fund of the
95 four preceding calendar quarters (September thirtieth, June
96 thirtieth, March thirty-first, and December thirty-first of
97 the preceding calendar year), less any outstanding federal
98 Title XII advances received pursuant to section 288.330,
99 less the principal, interest, and administrative expenses
100 related to any credit instrument issued under section
101 288.030, and less the principal, interest, and
102 administrative expenses related to any financial agreements
103 under subdivision (17) of subsection 2 of section 288.330.
104 When the average balance of the unemployment compensation

105 trust fund of the four preceding quarters (September
106 thirtieth, June thirtieth, March thirty-first, and December
107 thirty-first of the preceding calendar year), as so
108 determined is:

109 (1) Less than, or equal to, three hundred fifty
110 million dollars, then the wage base shall increase by one
111 thousand dollars; or

112 (2) Six hundred fifty million or more, then the state
113 taxable wage base for the subsequent calendar year shall be
114 decreased by five hundred dollars. In no event, however,
115 shall the state taxable wage base increase beyond twelve
116 thousand five hundred dollars, or decrease to less than
117 seven thousand dollars. For calendar year 2009, the tax
118 wage base shall be twelve thousand five hundred dollars.
119 For calendar year 2010 and each calendar year thereafter, in
120 no event shall the state taxable wage base increase beyond
121 thirteen thousand dollars, or decrease to less than seven
122 thousand dollars.

123 For any calendar year, the state taxable wage base shall not
124 be reduced to less than that part of the remuneration which
125 is subject to a tax under a federal law imposing a tax
126 against which credit may be taken for contributions required
127 to be paid into a state unemployment compensation trust
128 fund. Nothing in this section shall be construed to prevent
129 the wage base from increasing or decreasing by increments of
130 five hundred dollars.

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

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

9 3. Each eligible insured worker who is
partially unemployed in any week shall be paid

10 for such week a partial benefit. Such partial
11 benefit shall be an amount equal to the
12 difference between his or her weekly benefit
13 amount and that part of his or her wages for
14 such week in excess of twenty dollars, and, if
15 such partial benefit amount is not a multiple of
16 one dollar, such amount shall be reduced to the
17 nearest lower full dollar amount. For calendar
18 year 2007 and each year thereafter, such partial
19 benefit shall be an amount equal to the
20 difference between his or her weekly benefit
21 amount and that part of his or her wages for
22 such week in excess of twenty dollars or twenty
23 percent of his or her weekly benefit amount,
24 whichever is greater, and, if such partial
25 benefit amount is not a multiple of one dollar,
26 such amount shall be reduced to the nearest
27 lower full dollar amount. Pay received by an
28 eligible insured worker who is a member of the
29 organized militia for training or duty
30 authorized by Section 502(a)(1) of Title 32,
31 United States Code, shall not be considered
32 wages for the purpose of this subsection.

33 4. The division shall compute the wage
34 credits for each individual by crediting him or
35 her with the wages paid to him or her for
36 insured work during each quarter of his or her
37 base period or twenty-six times his or her
38 weekly benefit amount, whichever is the lesser.
39 In addition, if a claimant receives wages in the
40 form of termination pay or severance pay and
41 such payment appears in a base period
42 established by the filing of an initial claim,
43 the claimant may, at his or her option, choose
44 to have such payment included in the calendar
45 quarter in which it was paid or choose to have
46 it prorated equally among the quarters
47 comprising the base period of the claim. For
48 the purpose of this section, wages shall be
49 counted as wage credits for any benefit year,
50 only if such benefit year begins subsequent to
51 the date on which the employing unit by whom
52 such wages were paid has become an employer.
53 The wage credits of an individual earned during
54 the period commencing with the end of a prior
55 base period and ending on the date on which he
56 or she filed an allowed initial claim shall not
57 be available for benefit purposes in a
58 subsequent benefit year unless, in addition
59 thereto, such individual has subsequently earned
60 either wages for insured work in an amount equal
61 to at least five times his or her current weekly
62 benefit amount or wages in an amount equal to at
63 least ten times his or her current weekly
64 benefit amount.

65 5. The duration of benefits payable to any
66 insured worker during any benefit year shall be
67 limited to:

68 (1) Twenty weeks if the Missouri average
69 unemployment rate is nine percent or higher;

70 (2) Nineteen weeks if the Missouri average
71 unemployment rate is between eight and one-half
72 percent and nine percent;

73 (3) Eighteen weeks if the Missouri average
74 unemployment rate is eight percent up to and
75 including eight and one-half percent;

76 (4) Seventeen weeks if the Missouri
77 average unemployment rate is between seven and
78 one-half percent and eight percent;

79 (5) Sixteen weeks if the Missouri average
80 unemployment rate is seven percent up to and
81 including seven and one-half percent;

82 (6) Fifteen weeks if the Missouri average
83 unemployment rate is between six and one-half
84 percent and seven percent;

85 (7) Fourteen weeks if the Missouri average
86 unemployment rate is six percent up to and
87 including six and one-half percent;

88 (8) Thirteen weeks if the Missouri average
89 unemployment rate is below six percent.

90 As used in this subsection, the phrase "Missouri
91 average unemployment rate" means the average of
92 the seasonally adjusted statewide unemployment
93 rates as published by the United States
94 Department of Labor, Bureau of Labor Statistics,
95 for the time periods of January first through
96 March thirty-first and July first through
97 September thirtieth. The average of the
98 seasonally adjusted statewide unemployment rates
99 for the time period of January first through
100 March thirty-first shall be effective on and
101 after July first of each year and shall be
102 effective through December thirty-first. The
103 average of the seasonally adjusted statewide
104 unemployment rates for the time period of July
105 first through September thirtieth shall be
106 effective on and after January first of each
107 year and shall be effective through June
108 thirtieth; and

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

111 6. In the event that benefits are due a
112 deceased person and no petition has been filed
113 for the probate of the will or for the
114 administration of the estate of such person
115 within thirty days after his or her death, the
116 division may by regulation provide for the
117 payment of such benefits to such person or
118 persons as the division finds entitled thereto
119 and every such payment shall be a valid payment
120 to the same extent as if made to the legal
121 representatives of the deceased.

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

127 8. The division may establish an
128 electronic funds transfer system to transfer
129 directly to claimants' accounts in financial
130 institutions benefits payable to them pursuant
131 to this chapter. To receive benefits by
132 electronic funds transfer, a claimant shall
133 satisfactorily complete a direct deposit
134 application form authorizing the division to
135 deposit benefit payments into a designated
136 checking or savings account. Any electronic
137 funds transfer system created pursuant to this
138 subsection shall be administered in accordance
139 with regulations prescribed by the division.

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

142 10. Prior to January 1, 2005, the division
143 shall institute procedures including, but not
144 limited to, name, date of birth, and Social
145 Security verification matches for remote claims
146 filing via the use of telephone or the internet
147 in accordance with such regulations as the
148 division shall prescribe. At a minimum, the
149 division shall verify the Social Security number
150 and date of birth when an individual claimant
151 initially files for unemployment insurance
152 benefits. If verification information does not
153 match what is on file in division databases to
154 what the individual is stating, the division
155 shall require the claimant to submit a division-
156 approved form requesting an affidavit of
157 eligibility prior to the payment of additional
158 future benefits. The division of employment
159 security shall cross-check unemployment
160 compensation applicants and recipients with
161 Social Security Administration data maintained
162 by the federal government at least weekly. The
163 division of employment security shall cross-
164 check at least monthly unemployment compensation
165 applicants and recipients with department of
166 revenue drivers license databases.]

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

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

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

27 4. The division shall compute the wage credits for
28 each individual by crediting him or her with the wages paid
29 to him or her for insured work during each quarter of his or
30 her base period or twenty-six times his or her weekly
31 benefit amount, whichever is the lesser. In addition, if a
32 claimant receives wages in the form of termination pay or
33 severance pay and such payment appears in a base period
34 established by the filing of an initial claim, the claimant
35 may, at his or her option, choose to have such payment
36 included in the calendar quarter in which it was paid or
37 choose to have it prorated equally among the quarters
38 comprising the base period of the claim. The maximum total

39 amount of benefits payable to any insured worker during any
40 benefit year shall not exceed twenty times his or her weekly
41 benefit amount, or thirty-three and one-third percent of his
42 or her wage credits, whichever is the lesser. For the
43 purpose of this section, wages shall be counted as wage
44 credits for any benefit year, only if such benefit year
45 begins subsequent to the date on which the employing unit by
46 whom such wages were paid has become an employer. The wage
47 credits of an individual earned during the period commencing
48 with the end of a prior base period and ending on the date
49 on which he or she filed an allowed initial claim shall not
50 be available for benefit purposes in a subsequent benefit
51 year unless, in addition thereto, such individual has
52 subsequently earned either wages for insured work in an
53 amount equal to at least five times his or her current
54 weekly benefit amount or wages in an amount equal to at
55 least ten times his or her current weekly benefit amount.

56 **5. (1) The duration of benefits payable to any**
57 **insured worker during any benefit year shall be limited to:**

58 **(a) Twenty weeks if the Missouri unemployment rate is**
59 **higher than nine percent;**

60 **(b) Nineteen weeks if the Missouri unemployment rate**
61 **is higher than eight and one-half percent but no higher than**
62 **nine percent;**

63 **(c) Eighteen weeks if the Missouri unemployment rate**
64 **is higher than eight percent but no higher than eight and**
65 **one-half percent;**

66 **(d) Seventeen weeks if the Missouri unemployment rate**
67 **is higher than seven and one-half percent but no higher than**
68 **eight percent;**

69 (e) Sixteen weeks if the Missouri unemployment rate is
70 higher than seven percent but no higher than seven and one-
71 half percent;

72 (f) Fifteen weeks if the Missouri unemployment rate is
73 higher than six and one-half percent but no higher than
74 seven percent;

75 (g) Fourteen weeks if the Missouri unemployment rate
76 is higher than six percent but no higher than six and one-
77 half percent;

78 (h) Thirteen weeks if the Missouri unemployment rate
79 is higher than five and one-half percent but no higher than
80 six percent;

81 (i) Twelve weeks if the Missouri unemployment rate is
82 higher than five percent but no higher than five and one-
83 half percent;

84 (j) Eleven weeks if the Missouri unemployment rate is
85 higher than four and one-half percent but no higher than
86 five percent;

87 (k) Ten weeks if the Missouri unemployment rate is
88 higher than four percent but no higher than four and one-
89 half percent;

90 (l) Nine weeks if the Missouri unemployment rate is
91 higher than three and one-half percent but no higher than
92 four percent; and

93 (m) Eight weeks if the Missouri unemployment rate is
94 at or below three and one-half percent.

95 (2) As used in this subsection, the phrase "Missouri
96 unemployment rate" means the statewide unemployment rate as
97 published by the United States Department of Labor, Bureau
98 of Labor Statistics, on the date that the claimant initially
99 files a claim for benefits.

100 **(3) The provisions of this subsection shall become**
101 **effective January 1, 2022.**

102 **6.** In the event that benefits are due a deceased
103 person and no petition has been filed for the probate of the
104 will or for the administration of the estate of such person
105 within thirty days after his or her death, the division may
106 by regulation provide for the payment of such benefits to
107 such person or persons as the division finds entitled
108 thereto and every such payment shall be a valid payment to
109 the same extent as if made to the legal representatives of
110 the deceased.

111 **[6.] 7.** The division is authorized to cancel any
112 benefit warrant remaining outstanding and unpaid one year
113 after the date of its issuance and there shall be no
114 liability for the payment of any such benefit warrant
115 thereafter.

116 **[7.] 8.** The division may establish an electronic funds
117 transfer system to transfer directly to claimants' accounts
118 in financial institutions benefits payable to them pursuant
119 to this chapter. To receive benefits by electronic funds
120 transfer, a claimant shall satisfactorily complete a direct
121 deposit application form authorizing the division to deposit
122 benefit payments into a designated checking or savings
123 account. Any electronic funds transfer system created
124 pursuant to this subsection shall be administered in
125 accordance with regulations prescribed by the division.

126 **[8.] 9.** The division may issue a benefit warrant
127 covering more than one week of benefits.

128 **[9.] 10.** Prior to January 1, 2005, the division shall
129 institute procedures including, but not limited to, name,
130 date of birth, and Social Security verification matches for
131 remote claims filing via the use of telephone or the

132 internet in accordance with such regulations as the division
133 shall prescribe. At a minimum, the division shall verify
134 the Social Security number and date of birth when an
135 individual claimant initially files for unemployment
136 insurance benefits. If verification information does not
137 match what is on file in division databases to what the
138 individual is stating, the division shall require the
139 claimant to submit a division-approved form requesting an
140 affidavit of eligibility prior to the payment of additional
141 future benefits. The division of employment security shall
142 cross-check unemployment compensation applicants and
143 recipients with Social Security Administration data
144 maintained by the federal government at least weekly. The
145 division of employment security shall cross-check at least
146 monthly unemployment compensation applicants and recipients
147 with department of revenue drivers license databases.

148 **11. The division shall promulgate rules and**
149 **regulations to administer this section. Any rule or portion**
150 **of a rule, as that term is defined in section 536.010, that**
151 **is created under the authority delegated in this section**
152 **shall become effective only if it complies with and is**
153 **subject to all of the provisions of chapter 536 and, if**
154 **applicable, section 536.028. This section and chapter 536**
155 **are nonseverable and if any of the powers vested with the**
156 **general assembly pursuant to chapter 536 to review, to delay**
157 **the effective date, or to disapprove and annul a rule are**
158 **subsequently held unconstitutional, then the grant of**
159 **rulemaking authority and any rule proposed or adopted after**
160 **August 28, 2021, shall be invalid and void.**

288.104. 1. This section shall be known and may be
2 cited as the "Employment Security Program Integrity Act of
3 2021".

4 2. As used in this section, the following terms mean:

5 (1) "Department of corrections", the Missouri
6 department of corrections;

7 (2) "Division", the division of employment security of
8 the Missouri department of labor and industrial relations;

9 (3) "Employment security rolls", the list of all
10 persons currently receiving employment security benefits
11 under this chapter, to be kept and updated by the division;

12 (4) "Integrity Data Hub", the Integrity Data Hub
13 designed and published by the UI Integrity Center of the
14 National Association of State Workforce Agencies (NASWA).

15 3. The division shall engage with and utilize the
16 Integrity Data Hub to ensure that only eligible individuals
17 receive employment security benefits pursuant to this
18 chapter.

19 4. The division shall, on a weekly basis, check its
20 employment security rolls against a list of incarcerated
21 individuals, which shall be provided to the division by the
22 department of corrections, to verify the eligibility of
23 benefit claimants and to ensure that only eligible
24 individuals receive employment security benefits pursuant to
25 this chapter.

26 5. (1) The division shall adopt and implement
27 internal administrative policies to prioritize and pursue
28 the recovery of employment security benefits overpaid due to
29 the nondisclosure or misrepresentation of a material fact to
30 the fullest extent allowable under applicable state and
31 federal law. The division shall, without exception, attempt
32 to recover all outstanding employment security benefit
33 overpayments unless doing so would violate state or federal
34 law.

35 (2) The division shall maintain records of all of its
36 attempts to recover employment security benefit
37 overpayments. The division shall issue a written report to
38 the general assembly each year, no later than December
39 thirty-first, describing overpaid employment security
40 benefit payments and the attempts at recovery, the extent to
41 which any overpaid employment security benefit payments have
42 not been corrected or recovered, and the reasons for the
43 failure of the division to secure such correction or
44 recovery.

45 (3) The division shall enter into a cooperative
46 agreement with the Office of Inspector General of the United
47 States Department of Labor to proactively detect and
48 investigate cases of employment security benefits overpaid
49 due to the nondisclosure or misrepresentation of a material
50 fact.

51 (4) The division shall issue a written report to the
52 general assembly each year, no later than December thirty-
53 first, on the efficacy of the division's efforts at
54 detecting overpayments of employment security benefits due
55 to the nondisclosure or misrepresentation of a material fact
56 by a person and on the measures taken by the division to
57 prevent such overpayments.

58 6. The division shall, on a weekly basis, check its
59 unemployment records against the records contained in the
60 National Directory of New Hires published by the office of
61 child support enforcement within the federal department of
62 health and human services in order to verify the eligibility
63 of the individuals named in the unemployment records.

64 7. The division may execute a memorandum of
65 understanding with any governmental entity of this state in
66 order to share and receive such information as may be

67 necessary for the division to administer the provisions of
68 this section.

69 8. If the division receives information relating to an
70 individual who has been found eligible for employment
71 security benefits and such information indicates a change in
72 circumstances that could affect the individual's
73 eligibility, the division shall review the individual's
74 eligibility case.

75 9. The division may promulgate all necessary rules and
76 regulations for the administration of this section. Any
77 rule or portion of a rule, as that term is defined in
78 section 536.010, that is created under the authority
79 delegated in this section shall become effective only if it
80 complies with and is subject to all of the provisions of
81 chapter 536 and, if applicable, section 536.028. This
82 section and chapter 536 are nonseverable and if any of the
83 powers vested with the general assembly pursuant to chapter
84 536 to review, to delay the effective date, or to disapprove
85 and annul a rule are subsequently held unconstitutional,
86 then the grant of rulemaking authority and any rule proposed
87 or adopted after the effective date of this section shall be
88 invalid and void.

Section B. The enactment of section 288.104 of this
2 act shall become effective on January 1, 2022.

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