

SECOND REGULAR SESSION

# HOUSE BILL NO. 1678

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ST. ONGE.

Read 1<sup>st</sup> time March 17, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4916L.011

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### AN ACT

To amend chapter 288, RSMo, by adding thereto one new section relating to employment security.

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

Section A. Chapter 288, RSMo, is amended by adding thereto one new section, to be known as section 288.525, to read as follows:

**288.525. 1. There is hereby created a "Missouri State Unemployment Council" (the council). The council shall consist of nine appointed voting members and two appointed nonvoting members. All appointees shall be persons whose training and experience qualify them to deal with the problems of unemployment compensation, particularly legal, accounting, actuarial, economic, and social aspects of unemployment compensation.**

**2. (1) Three voting members shall be appointed to the council by the governor. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employers. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employees. One voting member shall be appointed to represent the public interest separate from employee or employer representation.**

**(2) Three voting members and one nonvoting member shall be appointed to the council by the speaker of the house of representatives. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employers that employ twenty or fewer employees. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employees. One voting member shall be appointed to represent the public interest separate from employee or employer representation. One nonvoting**

19 member shall be appointed from the house of representatives.

20 (3) Three voting members and one nonvoting member shall be appointed to the  
21 council by the president pro tem of the senate. One voting member shall be appointed on  
22 account of his or her vocation, employment, or affiliations being classed as representative  
23 of employers. One voting member shall be appointed on account of his or her vocation,  
24 employment, or affiliations being classed as representative of employees. One voting  
25 member shall be appointed to represent the public interest separate from employee or  
26 employer representation. One nonvoting member shall be appointed from the senate.

27 2. The council shall organize itself and select a chairperson or co-chairpersons and  
28 other officers from the nine voting members. Six voting members shall constitute a  
29 quorum and the council shall act only upon the affirmative vote of at least five of the voting  
30 members. The council shall meet no fewer than four times yearly. Members of the council  
31 shall serve without compensation, but are to be reimbursed the amount of actual expenses.  
32 Actual expenses shall be paid from the special employment security fund under section  
33 288.310.

34 3. The division shall provide professional and clerical assistance as needed for  
35 regularly scheduled meetings.

36 4. Each nonvoting member shall serve for a term of four years or until he or she is  
37 no longer a member of the general assembly whichever occurs first. A nonvoting member's  
38 term shall be a maximum of four years. Each voting member shall serve for a term of  
39 three years. For the initial appointment, the governor-appointed employer representative,  
40 the speaker of the house-appointed employee representative, and the president pro tem of  
41 the senate-appointed public interest representative shall serve an initial term of one year.  
42 For the initial appointment, the governor-appointed employee representative, the speaker  
43 of the house-appointed public interest representative, and the president pro tem of the  
44 senate-appointed employer representative shall serve an initial term of two years. At the  
45 end of a voting member's term he or she may be reappointed; however, he or she shall  
46 serve no more than two terms excluding the initial term for a maximum of eight years.

47 5. The council shall advise the division in carrying out the purposes of this chapter.  
48 The council shall submit annually by January fifteenth to the governor and the general  
49 assembly its recommendations regarding amendments of this chapter, the status of  
50 unemployment insurance, the projected maintenance of the solvency of unemployment  
51 insurance, and the adequacy of unemployment compensation.

52 6. The council shall present to the division every proposal of the council for changes  
53 in this chapter and shall seek the division's concurrence with the proposal. The division  
54 shall give careful consideration to every proposal submitted by the council for legislative

55 or administrative action and shall review each legislative proposal for possible  
56 incorporation into department of labor and industrial relations recommendations.

57         7. The council shall have access to only the records of the division that are  
58 necessary for the administration of this chapter and to the reasonable services of the  
59 employees of the division. It may request the director or any of the employees appointed  
60 by the director or any employee subject to this chapter, to appear before it and to testify  
61 relative to the functioning of this chapter and to other relevant matters. The council may  
62 conduct research of its own, make and publish reports, and recommend to the division  
63 needed changes in this chapter or in the rules of the division as it considers necessary.

64         8. The council, unless prohibited by a concurrent resolution of the general  
65 assembly, shall be authorized to commission an outside study of the solvency, adequacy,  
66 and staffing and operational efficiency of the Missouri unemployment system. The study  
67 shall be conducted every five years, the first being conducted in fiscal year 2005. The study  
68 shall be funded subject to appropriation from the special employment security fund under  
69 section 288.310.