

SECOND REGULAR SESSION

HOUSE BILL NO. 1849

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HEWKIN.

5218H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, and to enact in lieu thereof one new section relating to duration of unemployment benefits.

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

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and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 288.060, to read as follows:

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

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

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

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.

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

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

40 5. ~~The duration of benefits payable to any insured worker during any~~
41 ~~benefit year shall be limited to:~~

42 (1) ~~Twenty weeks if the Missouri average unemployment rate is nine~~
43 ~~percent or higher;~~

44 (2) ~~Nineteen weeks if the Missouri average unemployment rate is~~
45 ~~between eight and one-half percent and nine percent;~~

46 (3) ~~Eighteen weeks if the Missouri average unemployment rate is eight~~
47 ~~percent up to and including eight and one-half percent;~~

48 (4) ~~Seventeen weeks if the Missouri average unemployment rate is~~
49 ~~between seven and one-half percent and eight percent;~~

50 (5) ~~Sixteen weeks if the Missouri average unemployment rate is seven~~
51 ~~percent up to and including seven and one-half percent;~~

52 (6) ~~Fifteen weeks if the Missouri average unemployment rate is~~
53 ~~between six and one-half percent and seven percent;~~

54 (7) ~~Fourteen weeks if the Missouri average unemployment rate is six~~
55 ~~percent up to and including six and one-half percent;~~

56 (8) ~~Thirteen weeks if the Missouri average unemployment rate is~~
57 ~~below six percent.—~~

58
59 As used in this subsection, the phrase "Missouri average unemployment rate"
60 means the average of the seasonally adjusted statewide unemployment rates as
61 published by the United States Department of Labor, Bureau of Labor
62 Statistics, for the time periods of January first through March thirty first and
63 July first through September thirtieth. The average of the seasonally adjusted
64 statewide unemployment rates for the time period of January first through

~~March thirty first shall be effective on and after July first of each year and shall be effective through December thirty first. The average of the seasonally adjusted statewide unemployment rates for the time period of July first through September thirtieth shall be effective on and after January first of each year and shall be effective through June thirtieth; and~~

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

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

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

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

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

~~10. Prior to January 1, 2005, the division shall institute procedures including, but not limited to, name, date of birth, and Social Security verification matches for remote claims filing via the use of telephone or the internet in accordance with such regulations as the division shall prescribe. At a minimum, the division shall verify the Social Security number and date of birth when an individual claimant initially files for unemployment insurance benefits. If verification information does not match what is on file in division databases to what the individual is stating, the division shall require the claimant to submit a division approved form requesting an affidavit of eligibility prior to the payment of additional future benefits. The division of employment security shall cross check unemployment compensation applicants and recipients with Social Security Administration data maintained by the federal government at least weekly. The division of employment security shall cross check at least monthly unemployment compensation applicants and recipients with department of revenue drivers license databases.]~~

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

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

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

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

37 5. **(1) The duration of benefits payable to any insured worker during any benefit**
38 **year shall be limited to:**

39 (a) Twenty weeks if the Missouri unemployment rate is higher than nine
40 percent;

41 (b) Nineteen weeks if the Missouri unemployment rate is higher than eight and
42 one-half percent but no higher than nine percent;

43 (c) Eighteen weeks if the Missouri unemployment rate is higher than eight
44 percent but no higher than eight and one-half percent;

45 (d) Seventeen weeks if the Missouri unemployment rate is higher than seven and
46 one-half percent but no higher than eight percent;

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

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

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

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

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

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

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

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

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

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

69 (3) The provisions of this subsection shall become effective January 1, 2027.

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

76 ~~[6:]~~ 7. The division is authorized to cancel any benefit warrant remaining outstanding
77 and unpaid one year after the date of its issuance and there shall be no liability for the
78 payment of any such benefit warrant thereafter.

79 ~~[7:]~~ 8. The division may establish an electronic funds transfer system to transfer
80 directly to claimants' accounts in financial institutions benefits payable to them pursuant to
81 this chapter. To receive benefits by electronic funds transfer, a claimant shall satisfactorily
82 complete a direct deposit application form authorizing the division to deposit benefit
83 payments into a designated checking or savings account. Any electronic funds transfer
84 system created pursuant to this subsection shall be administered in accordance with
85 regulations prescribed by the division.

86 ~~[8:]~~ 9. The division may issue a benefit warrant covering more than one week of
87 benefits.

88 ~~[9:]~~ 10. Prior to January 1, 2005, the division shall institute procedures including, but
89 not limited to, name, date of birth, and Social Security verification matches for remote claims
90 filing via the use of telephone or the internet in accordance with such regulations as the
91 division shall prescribe. At a minimum, the division shall verify the Social Security number
92 and date of birth when an individual claimant initially files for unemployment insurance
93 benefits. If verification information does not match what is on file in division databases to
94 what the individual is stating, the division shall require the claimant to submit a division-
95 approved form requesting an affidavit of eligibility prior to the payment of additional future
96 benefits. The division of employment security shall cross-check unemployment
97 compensation applicants and recipients with Social Security Administration data
98 maintained by the federal government at least weekly. The division of employment
99 security shall cross-check at least monthly unemployment compensation applicants and
100 recipients with department of revenue drivers license databases.

101 **11. The division shall promulgate rules and regulations to administer this**
102 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
103 **created under the authority delegated in this section shall become effective only if it**
104 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
105 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
106 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
107 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
108 **then the grant of rulemaking authority and any rule proposed or adopted after August**
109 **28, 2026, shall be invalid and void.**

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