

# SENATE BILL NO. 21

## 102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

0874S.01I

KRISTINA MARTIN, Secretary

### 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 the 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. 2  
150, ninety-eighth general assembly, first regular session, and  
3 section 288.060 as enacted by house bill no. 163, ninety-sixth  
4 general assembly, first regular session, are repealed and one  
5 new section enacted in lieu thereof, to be known as section  
6 288.060, to read as follows:

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  
10 partially unemployed in any week shall be paid  
11 for such week a partial benefit. Such partial  
12 benefit shall be an amount equal to the  
13 difference between his or her weekly benefit  
14 amount and that part of his or her wages for  
15 such week in excess of twenty dollars, and, if  
16 such partial benefit amount is not a multiple of  
17 one dollar, such amount shall be reduced to the  
18 nearest lower full dollar amount. For calendar  
19 year 2007 and each year thereafter, such partial  
20 benefit shall be an amount equal to the  
21 difference between his or her weekly benefit  
22 amount and that part of his or her wages for  
such week in excess of twenty dollars or twenty

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

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, 2024.

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, 2023, shall be invalid and void.**

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