

FIRST REGULAR SESSION

HOUSE BILL NO. 769

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIER.

1658H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 288, RSMo, by adding thereto one new section relating to employment security, with a delayed effective date.

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 288.104, to read as follows:

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

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

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

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

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

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

(5) "New-hire records", the directory of newly hired and rehired employees reported under applicable state and federal laws and managed by the division.

3. The division shall engage with and utilize the Integrity Data Hub to ensure the integrity of the state's employment security rolls.

4. The division shall, on a weekly basis, check its employment security rolls against a list of incarcerated individuals, which shall be provided to the division by the department

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 of corrections, to verify the eligibility of benefit claimants and to ensure the overall
18 integrity of the state's employment security program.

19 5. (1) The division shall adopt and implement internal administrative policies to
20 prioritize and pursue the recovery of fraudulent or otherwise improper employment
21 security benefit overpayments to the fullest extent allowable under applicable state and
22 federal law. The division shall, without exception, attempt to recover all outstanding
23 employment security benefit overpayments unless doing so would violate state or federal
24 law.

25 (2) The division shall maintain records of all of its attempts to recover employment
26 security benefit overpayments. The division shall issue a written report to the general
27 assembly each year, no later than December thirty-first, describing improper employment
28 security benefit payments and their recovery, the extent to which any improper
29 employment security benefit payments have not been corrected or recovered, and the
30 reasons for the failure of the division to secure such correction or recovery.

31 (3) The division shall enter into a cooperative agreement with the Office of
32 Inspector General of the United States Department of Labor to proactively detect and
33 investigate cases of employment security fraud.

34 (4) The division shall issue a written report to the general assembly each year, no
35 later than December thirty-first, on the efficacy of employment security fraud detection
36 and on the measures taken by the division to prevent employment security fraud.

37 6. The division shall, on a weekly basis, check its new-hire records against the
38 records contained in the National Directory of New Hires in order to verify the eligibility
39 of the individuals named in the division's new-hire records.

40 7. The division is hereby authorized to execute a memorandum of understanding
41 with any governmental entity of this state in order to share and receive such information
42 as may be necessary for the division to administer the provisions of this section.

43 8. If the division receives information relating to an individual who has been found
44 eligible for employment security benefits and such information indicates a change in
45 circumstances that could affect the individual's eligibility, the division shall review the
46 individual's eligibility case.

47 9. The division may promulgate all necessary rules and regulations for the
48 administration of this section. Any rule or portion of a rule, as that term is defined in
49 section 536.010, that is created under the authority delegated in this section shall become
50 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
51 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
52 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay

53 **the effective date, or to disapprove and annul a rule are subsequently held**
54 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
55 **after the effective date of this section shall be invalid and void.**

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

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