

FIRST REGULAR SESSION

HOUSE BILL NO. 786

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MACKEY.

0320H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 288, RSMo, by adding thereto one new section relating to employment security benefits, with an emergency clause.

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
2 known as section 288.552, to read as follows:

**288.552. 1. Notwithstanding any provision of law to the contrary, the
2 department of labor and industrial relations, and any division thereof, shall waive the
3 repayment of:**

**4 (1) Any employment security benefits that were incorrectly but nonfraudulently
5 distributed to claimants if such employment security benefits were directly funded by
6 moneys from the state's unemployment compensation fund and if the original claim for
7 such benefits was filed during a state of emergency declared by the governor due to
8 COVID-19; and**

**9 (2) Any employment security benefits that were incorrectly but nonfraudulently
10 distributed to claimants if such employment security benefits were directly funded by
11 moneys received by the state of Missouri from the United States government under:**

**12 (a) The federal Coronavirus Aid, Relief, and Economic Security Act (CARES
13 Act), Pub. L. 116-136;**

**14 (b) The Continued Assistance for Unemployed Workers Act of 2020, as found in
15 the federal Consolidated Appropriations Act, 2021, Pub. L. 116-260; or**

**16 (c) Any subsequent federal coronavirus-related legislation or program designed,
17 in whole or in part, to provide employment security relief,**

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.

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19 **to the extent that federal law grants the state of Missouri the authority to waive the**
20 **repayment of such incorrectly but nonfraudulently distributed benefits.**

21 **2. A waiver of repayment granted to a claimant under subsection 1 of this section**
22 **shall meet the following criteria:**

23 **(1) The waiver relates to an incorrectly but nonfraudulently distributed payment**
24 **of employment security benefits in which there was no fault on the part of the claimant;**

25 **(2) The repayment of such benefits by the claimant would be contrary to equity**
26 **and good conscience; and**

27 **(3) The decision to grant the waiver to a claimant is made on an individualized**
28 **basis.**

Section B. Because immediate action is necessary to protect the financial welfare of
2 the residents of this state, the enactment of section 288.552 of this act is deemed necessary for
3 the immediate preservation of the public health, welfare, peace, and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and the enactment of
5 section 288.552 of this act shall be in full force and effect upon its passage and approval.

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