

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 745, Page 17, Section 288.060, Line 160,

2 by inserting after all of said line the following:

3 "288.552. 1. Notwithstanding any provision of law to
 4 the contrary, the department of labor and industrial
 5 relations, and any division thereof, shall waive the
 6 repayment of any unemployment benefits that were incorrectly
 7 but nonfraudulently distributed to claimants from the state
 8 unemployment compensation trust fund after March 27, 2020,
 9 but before December 31, 2020, to the extent that federal law
 10 grants the state of Missouri the authority to waive the
 11 repayment of such incorrectly but nonfraudulently
 12 distributed benefits.

13 2. A waiver of repayment granted to a claimant under
 14 subsection 1 of this section shall meet the following
 15 criteria:

16 (1) The waiver relates to an incorrectly but
 17 nonfraudulently distributed payment of unemployment benefits
 18 in which there was no fault on the part of the claimant;

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

21 (3) The decision to grant the waiver to a claimant is
 22 made on an individualized basis.

23 3. Any claimant denied a waiver pursuant to this
 24 section shall be granted an opportunity for a fair hearing
 25 before the appeals tribunal pursuant to section 288.190.
 26 The filing of an appeal shall stay the collection of the

27 overpayment or overpayments for which the waiver was denied
 28 until such time that a decision is issued that has become
 29 final. The decision of the appeals tribunal shall be
 30 reviewable by the labor and industrial relations commission
 31 pursuant to section 288.200.

32 4. (1) Any claimant who is denied a waiver pursuant
 33 to this section shall be sent a notice by the department,
 34 not later than ninety calendar days after the effective date
 35 of this section, by both electronic mail and by mail postage
 36 prepaid with a preaddressed return card notifying them of
 37 the right to appeal such decision. If the department does
 38 not receive a response within sixty calendar days from the
 39 claimant, the department shall send another notice by
 40 certified mail with a preaddressed return card. If the
 41 claimant does not respond to the second notice within thirty
 42 days, the department may proceed with collecting the
 43 overpaid benefits.

44 (2) Each notice required by subdivision (1) of this
 45 subsection shall include instructions on how to file an
 46 appeal and shall also include the following in bold at the
 47 top:

| | |
|----|---|
| 48 | <u>"ATTENTION: YOU HAVE BEEN OVERPAID UNEMPLOYMENT</u> |
| 49 | <u>BENEFITS.</u> |
| 50 | <u>• BY LAW, YOU ARE REQUIRED TO REPAY ALL OVERPAID</u> |
| 51 | <u>UNEMPLOYMENT BENEFITS.</u> |
| 52 | <u>• YOU MAY APPEAL THIS REQUIREMENT.</u> |
| 53 | <u>• IF YOU RETURN THIS CARD TO THE DEPARTMENT OF</u> |
| 54 | <u>LABOR AND INDUSTRIAL RELATIONS WITHIN 60 DAYS</u> |
| 55 | <u>INDICATING THAT YOU WILL APPEAL, COLLECTION WILL</u> |
| 56 | <u>NOT COMMENCE UNTIL AFTER THE APPEAL HAS</u> |
| 57 | <u>COMPLETED."</u> |

58 (3) If a claimant responds to a notice described in
 59 this subsection indicating that he or she plans to appeal,

60 the department and any division thereof shall cease all
61 efforts to recover the overpaid benefits. Notwithstanding
62 any provision of law to the contrary, under no circumstance
63 shall the department or any division thereof attempt to
64 recover the overpaid benefits while the case is pending
65 appeal, provided that the claimant shall file an appeal not
66 later than sixty calendar days after notifying the
67 department of his or her intent to appeal.

68 5. (1) In the event that the department or any
69 division thereof has over-recovered unemployment
70 compensation benefits the department shall notify the
71 claimant by certified mail within fifteen days of discovery
72 of such over-recovery and:

73 (a) If the over-recovered sums are less than ten
74 thousand dollars, such sums shall be repaid to the claimant
75 from whom the sums were recovered not later than thirty days
76 after the claimant has been notified; and

77 (b) If the over-recovered sums are ten thousand
78 dollars or more, such sums shall be repaid to the claimant
79 from whom the sums were recovered within a reasonable time,
80 as determined through agreement between the department and
81 the claimant, with interest, as determined by section 32.068.

82 (2) If the department fails to notify the claimant of
83 an over-recovery as required by subdivision (1) of this
84 subsection, interest shall accrue, as determined by section
85 32.068, on any repayment of funds from the date that the
86 over-recovery was discovered.

87 (3) For purposes of this subsection, "over-recovered
88 unemployment compensation benefits" means any overpaid
89 unemployment compensation benefits that have been recovered
90 by the department of labor and industrial relations or any
91 division thereof but the amount recovered exceeded what was

92 required to be recovered under this chapter or under federal
93 law.

94 Section B. Because immediate action is necessary to
95 protect the financial welfare of the residents of this
96 state, the enactment of section 288.552 of this act is
97 deemed necessary for the immediate preservation of the
98 public health, welfare, peace, and safety, and is hereby
99 declared to be an emergency act within the meaning of the
100 constitution, and the enactment of section 288.552 of this
101 act shall be in full force and effect upon its passage and
102 approval."; and

103 Further amend the title and enacting clause accordingly.