



SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1186 be amended to read as follows:

- 1 Page 5, line 30, delete "An" and insert "**Except as provided in**
- 2 **subsection (j), an**".
- 3 Page 6, line 3, delete "Any" and insert "**Except as provided in**
- 4 **subsection (j), any**".
- 5 Page 6, line 31, delete "Where" and insert "**Except as provided in**
- 6 **subsection (j), where**".
- 7 Page 7, line 20, after "made" delete ":".
- 8 Page 7, strike lines 21 through 23.
- 9 Page 7, line 24, strike "(B)".
- 10 Page 7, line 24, after "employer" insert ";".
- 11 Page 7, line 24, strike "or the department;".
- 12 Page 7, run in lines 20 through 24.
- 13 Page 7, delete lines 26 through 42, begin a new paragraph and
- 14 insert:
- 15 "**(j) Liability for repayment of benefits paid to an individual,**
- 16 **including an individual employed by an employer electing to make**
- 17 **payments in lieu of contributions, shall be waived if:**
- 18 **(1) the benefits were received by the individual without fault**
- 19 **of the individual; and**
- 20 **(2) the benefits were the result of payments made:**
- 21 **(A) during the pendency of an appeal before an**
- 22 **administrative law judge or the review board under**
- 23 **IC 22-4-17 under which the individual is determined to be**
- 24 **ineligible for benefits; or**
- 25 **(B) because of an error by the department.**
- 26 SECTION 4. IC 22-4-13-4, AS ADDED BY P.L.172-2011,
- 27 SECTION 128, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2015]: Sec. 4. (a) This section applies to an individual:

(1) for whom the department has established an overpayment by a final written determination under section 1(a) or 1(b) of this chapter; ~~and~~

(2) whose liability for repayment is not waived under section 1(j) of this chapter; and

~~(2)~~ **(3)** whose overpayment amount that is due and payable equals or exceeds:

(A) the individual's weekly benefit amount; multiplied by

(B) four (4).

(b) Notwithstanding any other law and subject to subsection (c), an individual is entitled to repay the established amount of an overpayment over a period:

(1) beginning on the date the determination of the amount of the overpayment is final; and

(2) ending on a date not later than the date occurring thirty-six (36) months after the date specified in subdivision (1).

(c) An individual to whom this section applies may repay an overpayment over time as provided in subsection (b) not more than once during the individual's lifetime.

SECTION 5. IC 22-4-13-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5. (a) Notwithstanding any other law, the department shall waive an individual's liability for repayment of benefits that were paid to an individual not entitled to receive them if:**

(1) the individual received the benefits after July 1, 2011;

(2) the individual received the benefits without fault of the individual; and

(3) the individual was not entitled to receive the benefits solely as the result of changes in the unemployment insurance law made by HEA 1450-2011 (P.L.2-2011).

(b) Benefits for which repayment is waived under subsection (a) shall be charged to the fund and not to:

- 1 **(1) the experience account of any employer; or**
- 2 **(2) an employer making payments in lieu of contributions."**

3 Page 8, delete lines 1 through 2.

4 Renumber all SECTIONS consecutively.

(Reference is to EHB 1186 as printed March 13, 2015.)

Senator TALLIAN