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LB 798

Department of Labor to find out what happens to the employer's experience account in the event that monies are incorrectly paid to an unemployment compensation claimant, whether or not the employer's experience account is charged by reason of the incorrect payment. I have found out, no. No, the employer's experience account is not charged if a mistake is made and the claimant is improperly paid, thus, the only real issue with either 798, the committee amendments or my amendment, is simply, when do we want to waive the repayment by an improperly paid person and I just say simply that it should not make any difference how the commissioner goes after the money. Whether the commissioner chooses to withhold future benefits or the commissioner chooses to bring an independent action to recover the dollars, nonetheless, either route that is pursued, the claimant should still be able to show that he was without fault for incurring the overpayment and that it would be against equity and good conscience, i.e. he has changed his position for the worse or be contrary to the purpose of the act for him to now make the repayment and that is it.

SPEAKER MARVEL: The motion before the House... Senator Maresh, do you wish to...? We are on the Johnson amendments to the committee amendments.

SENATOR MARESH: Yes, a question of Senator Johnson. Aren't we, I mean we won't need this bill if...I mean your amendment. We would be right back to the present law. Wouldn't we?

SENATOR JOHNSON: Senator Maresh, you have done a tremendous job. Present law says that if you are guilty of fraud which obviously is not an innocent mistake, the claimant is guilty of fraud, then in certain circumstances he shall not be liable to repay and you are correcting existing law. My amendment is simply an improvement to what you are doing. It is not, no, we are not going back to existing law.

SENATOR MARESH: In other words, we are going to be more lenient than the committee was. Right?

SENATOR JOHNSON: Yes. We will be a little more lenient than the committee was.

SENATOR MARESH: So we would hardly ever be asking for repayment no matter what?

SENATOR JOHNSON: Oh, no. There are many many times, obviously when the claimant cannot establish that he was without fault