

to pass legislation that sort of broadens the scope of honesty and I think this is another one of those deals where we give a person a little bit of leeway, perhaps not be perfectly honest and I think it is wrong. I think if there is anybody should show honesty and uprightness in our conduct it should be the state and I think we should also require that of our citizens. I think that any time you are paid for something you are not entitled to it is dishonest whether you prove it or not. So I heard this bill in committee and we worked on it. I believe it should be left as it was. I am even a little bit worried about it the way it was because I think it does leave some room for those that receive funds inadvertently, any way you want to put it, to keep them and I certainly don't want to condone this sort of operation. Thank you.

SPEAKER MARVEL: The Chair recognizes Senator Johnson to close on his amendment to the committee amendments.

SENATOR JOHNSON: I would like to give an example of somebody who can receive an incorrect payment through no fault of his own and who in the end, probably ought not to be compelled to repay the monies. A person for example, files a claim for unemployment compensation with the Department of Labor. The Department of Labor looks over the material supplied, contacts the employer, gathers facts from the employer and concludes that the claim should be allowed. The employer thinks that the allowance of the claim is erroneous so the employer takes an appeal to the Appeals Tribunal within the Department of Labor. Within a matter of twenty, thirty days, the Appeals Tribunal decides the case and decides the case in the favor of the claimant. Says the claimant should be entitled to unemployment compensation benefits. Benefits now begin. The claimant gets money. The employer is still dissatisfied and so the employer appeals to the district court which is the employer's prerogative. The district court ultimately concludes as a matter of law that the Appeals Tribunal was wrong. The decision is now reversed. Now the claimant will have received unemployment compensation benefits for some of that time at least. Maybe the claimant is back to work now but let's say the claimant got four or five weeks worth of benefits. Okay? That is an incorrectly paid amount. There has clearly been an overpayment. The claimant is not at fault for that, I mean, the claimant has just been operating within the law. The judges made a mistake. The claimant is not at fault for that. Now the next question is, would it be against equity and good conscience to require the claimant to make the payment. It really depends whether or not the claimant used the money the claimant received to buy certain