

ACT 25

H.B. NO. 2490

A Bill for an Act Relating to Employment Security.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 383-29, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Benefits shall not be paid on the basis of services performed by an alien unless the alien is an individual who [has been] was lawfully admitted for permanent residence at the time those services were performed, was lawfully present for purposes of performing those services, or otherwise [is] was permanently residing in the United States under color of law at the time those services were performed (including an alien who [is] was lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act). Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of the individual’s alien status shall be made except upon a preponderance of the evidence.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 17, 1990.)