

**ACT 176**

H.B. NO. 1666

A Bill for an Act Relating to Employment Security.

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

SECTION 1. Section 383-44, Hawaii Revised Statutes, is amended to read as follows:

**“§383-44 Recovery of benefits paid.** (a) Any person who has received any amount as benefits under this chapter to which the person was not entitled shall be liable for [such] the amount unless the overpayment was received without fault on the part of the recipient and its recovery would be against equity and good conscience. Notice of redetermination in [such] these cases shall specify that the person is liable to repay to the fund the amount of overpaid benefits, the basis of

## ACT 176

the overpayment, and the week or weeks for which [such] the benefits were [paid] overpaid.

(b) The person liable [shall], in the discretion of the department [of labor and industrial relations], shall either repay [such] the amount to the department for the fund or have [such] the amount deducted from any future benefits payable to the person under this chapter within two years after the date of mailing of the notice of redetermination or the final decision on an appeal from [such] the redetermination.

(c) Notwithstanding any other provision of this chapter, the department, by agreement with another state or the United States as provided under section 303(g) of the Social Security Act, may recover any overpayment of benefits paid to any individual under the laws of this State or of another state or under an unemployment benefit program of the United States. Any overpayments subject to this subsection may be deducted from any future benefits payable to the individual under the laws of this State or of another state or under an unemployment program of the United States.

[~~(c)~~ (d) In any case in which under this section an individual is liable to repay any amount to the department, [such] the amount shall be collectible without interest by civil action in the name of the State by the attorney general.”

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 Statutory material to be repealed is bracketed.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 June 9, 1993.)