



Rep. Lindsey LaPointe

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10200HB1204ham001

LRB102 03220 JLS 25306 a

1 AMENDMENT TO HOUSE BILL 1204

2 AMENDMENT NO. _____. Amend House Bill 1204 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unemployment Insurance Act is amended by
5 changing Section 900 as follows:

6 (820 ILCS 405/900) (from Ch. 48, par. 490)
7 Sec. 900. Recoupment.)

8 A. Whenever an individual has received any sum as benefits
9 for which he is found to have been ineligible, the amount
10 thereof may be recovered by suit in the name of the People of
11 the State of Illinois, or, from benefits payable to him, may be
12 recouped:

13 1. At any time, if, to receive such sum, he knowingly
14 made a false statement or knowingly failed to disclose a
15 material fact.

16 2. Within 3 years from any date prior to January 1,

1 1984, on which he has been found to have been ineligible
2 for any other reason, pursuant to a reconsidered finding
3 or a reconsidered determination, or pursuant to the
4 decision of a Referee (or of the Director or his
5 representative under Section 604) which modifies or sets
6 aside a finding or a reconsidered finding or a
7 determination or a reconsidered determination; or within 5
8 years from any date after December 31, 1983, on which he
9 has been found to have been ineligible for any other
10 reason, pursuant to a reconsidered finding or a
11 reconsidered determination, or pursuant to the decision of
12 a Referee (or of the Director or his representative under
13 Section 604) which modifies or sets aside a finding or a
14 reconsidered finding or a determination or a reconsidered
15 determination. Recoupment pursuant to the provisions of
16 this paragraph from benefits payable to an individual for
17 any week may be waived upon the individual's request, if
18 the sum referred to in paragraph A was received by the
19 individual without fault on his part and if such
20 recoupment would be against equity and good conscience.
21 Such waiver may be denied with respect to any subsequent
22 week if, in that week, the facts and circumstances upon
23 which waiver was based no longer exist.

24 3. Notwithstanding paragraph 2, if the individual's
25 benefit year begins on or after March 8, 2020, but prior to
26 the week following the last week of a disaster period

1 established by the gubernatorial disaster proclamation in
2 response to COVID-19, dated March 9, 2020, and any
3 subsequent gubernatorial disaster proclamation in response
4 to COVID-19, recovery by suit in the name of the People of
5 the State of Illinois or recoupment pursuant to paragraph
6 2 from benefits payable to an individual for any week
7 shall be permanently waived if the sum referred to in
8 subsection A was received by the individual without fault
9 on his or her part and if such recoupment or recovery would
10 be against equity and good conscience.

11 B. Whenever the claims adjudicator referred to in Section
12 702 decides that any sum received by a claimant as benefits
13 shall be recouped, or denies recoupment waiver requested by
14 the claimant, he shall promptly notify the claimant of his
15 decision and the reasons therefor. The decision and the notice
16 thereof shall state the amount to be recouped, the weeks with
17 respect to which such sum was received by the claimant, and the
18 time within which it may be recouped and, as the case may be,
19 the reasons for denial of recoupment waiver. The claims
20 adjudicator may reconsider his decision within one year after
21 the date when the decision was made. Such decision or
22 reconsidered decision may be appealed to a Referee within the
23 time limits prescribed by Section 800 for appeal from a
24 determination. Any such appeal, and any appeal from the
25 Referee's decision thereon, shall be governed by the
26 applicable provisions of Sections 801, 803, 804 and 805. No

1 recoupment shall be begun until the expiration of the time
2 limits prescribed by Section 800 of this Act or, if an appeal
3 has been filed, until the decision of a Referee has been made
4 thereon affirming the decision of the Claims Adjudicator.

5 C. Any sums recovered under the provisions of this Section
6 shall be treated as repayments to the Department of sums
7 improperly obtained by the claimant.

8 D. Whenever, by reason of a back pay award made by any
9 governmental agency or pursuant to arbitration proceedings, or
10 by reason of a payment of wages wrongfully withheld by an
11 employing unit, an individual has received wages for weeks
12 with respect to which he has received benefits, the amount of
13 such benefits may be recouped or otherwise recovered as herein
14 provided. An employing unit making a back pay award to an
15 individual for weeks with respect to which the individual has
16 received benefits shall make the back pay award by check
17 payable jointly to the individual and to the Department.

18 E. The amount recouped pursuant to paragraph 2 of
19 subsection A from benefits payable to an individual for any
20 week shall not exceed 25% of the individual's weekly benefit
21 amount.

22 Except in the case of permanent waiver of recovery or
23 recoupment as provided in paragraph 3 of subsection A, in ~~in~~
24 addition to the remedies provided by this Section, when an
25 individual has received any sum as benefits for which he is
26 found to be ineligible, the Director may request the

1 Comptroller to withhold such sum in accordance with Section
2 10.05 of the State Comptroller Act and the Director may
3 request the Secretary of the Treasury to withhold such sum to
4 the extent allowed by and in accordance with Section 6402(f)
5 of the federal Internal Revenue Code of 1986, as amended.
6 Benefits paid pursuant to this Act shall not be subject to such
7 withholding. Where the Director requests withholding by the
8 Secretary of the Treasury pursuant to this Section, in
9 addition to the amount of benefits for which the individual
10 has been found ineligible, the individual shall be liable for
11 any legally authorized administrative fee assessed by the
12 Secretary, with such fee to be added to the amount to be
13 withheld by the Secretary.

14 (Source: P.A. 97-621, eff. 11-18-11; 97-791, eff. 1-1-13.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."