

1 HB506  
2 163987-2  
3 By Representative Bracy  
4 RFD: Commerce and Small Business  
5 First Read: 16-APR-15

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

ENROLLED, An Act,

To amend Section 25-4-78, Code of Alabama 1975, relating to unemployment compensation; to clarify that the amount of benefits payable to an individual who received or has been determined eligible to receive governmental or other pension, retirement or retired pay, annuity, or similar periodic payment that is based upon the individual's previous work shall be reduced only if the payment is made under a plan that is maintained or contributed to by a base period employer, 100 percent employer-financed, and not contributed to by the worker; and to clarify that any pension payments retroactively awarded to an individual would constitute disqualification and require recovery of any benefits paid during the disqualification period only if the pension payments were made under a plan that is maintained or contributed to by a base period employer, 100 percent employer-financed, and not contributed to by the worker.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 25-4-78 of the Code of Alabama 1975, is amended to read as follows:

"§25-4-78.

"An individual shall be disqualified for total or partial unemployment:

1           "(1) LABOR DISPUTE IN PLACE OF EMPLOYMENT. For any  
2 week in which his total or partial unemployment is directly  
3 due to a labor dispute still in active progress in the  
4 establishment in which he is or was last employed. For the  
5 purposes of this section only, the term labor dispute includes  
6 any controversy concerning terms, tenure, or conditions of  
7 employment, or concerning the association or representation of  
8 persons in negotiating, fixing, maintaining, changing, or  
9 seeking to arrange terms or conditions of employment,  
10 regardless of whether the disputants stand in the proximate  
11 relation of employer and employee. This definition shall not  
12 relate to a dispute between an individual worker and his  
13 employer.

14           "(2) VOLUNTARILY QUITTING WORK. If he has left his  
15 most recent bona fide work voluntarily without good cause  
16 connected with such work.

17           "a.1. However, he shall not be disqualified if he  
18 was forced to leave work because he was sick or disabled,  
19 notified his employer of the fact as soon as it was reasonably  
20 practicable so to do, and returned to that employer and  
21 offered himself for work as soon as he was again able to work;  
22 provided, however, this exception shall not apply if the  
23 employer had an established leave-of-absence policy covering  
24 sickness or disability and:

1           "(i) The individual fails to comply with same as  
2 soon as it is reasonably practicable so to do; or

3           "(ii) Upon the expiration of a leave of absence  
4 shall fail to return to the employer and offer himself for  
5 work, if he shall then be able to work, or if he is not then  
6 able to work, he fails to so notify his employer of that fact  
7 and request an extension of his leave of absence as soon as it  
8 is reasonably practicable so to do.

9           "2. In case of doubt that an individual was sick or  
10 disabled, or as to the duration of any such sickness or  
11 disability, the director may, or if the employer requests it,  
12 the director shall require a doctor's certificate to establish  
13 the fact or facts in doubt.

14           "3. An established leave-of-absence policy shall be  
15 any leave-of-absence policy covering sickness and disability  
16 communicated to the employee by the customary means used by  
17 the employer for communicating with his employees.

18           "4. Nothing herein shall be construed or interpreted  
19 as authorizing the payment of benefits to any person during,  
20 or for, unemployment due to sickness or disability or during  
21 any period in which he is on a leave of absence granted in  
22 accordance with an established leave-of-absence policy, the  
23 duration of which leave was set in accordance with his request  
24 or in accordance with a collective bargaining agreement;  
25 except, that if such leave of absence is on account of

1 pregnancy and extends beyond the tenth week following  
2 termination of such pregnancy, the individual shall not be  
3 denied benefits under the provisions of this subdivision (2)  
4 beyond such tenth week if she has given the employer three  
5 weeks notice of her desire to return to work, is then able to  
6 work and has not refused reinstatement to a job which under  
7 the provisions of subdivision (5) of this section would be  
8 deemed suitable for her.

9 "b. When an individual is disqualified under this  
10 subdivision (2):

11 "1. He shall not be entitled to benefits for the  
12 week in which the disqualifying event occurs or for any week  
13 thereafter until:

14 "(i) He has reentered insured employment or  
15 employment of the nature described in subdivisions (5), (6),  
16 (7), (8), (9), (10), or (18) of subsection (b) of Section  
17 25-4-10; and

18 "(ii) For which employment he has earned wages equal  
19 to at least 10 times his weekly benefit amount for the benefit  
20 year in which such disqualification is assessed; and

21 "(iii) He has been separated from such employment  
22 under nondisqualifying conditions.

23 "2. The total amount of benefits to which he may  
24 otherwise be entitled as determined in accordance with  
25 Sections 25-4-74 and 25-4-75 shall be reduced by an amount

1 equal to not less than six nor more than 12 times his weekly  
2 benefit amount.

3 "3. For the purpose of the experience rating  
4 provisions of Section 25-4-54, no portion of the benefits  
5 payable to him, based upon wages paid to him for the period of  
6 employment ending with the separation to which the  
7 disqualification applies, shall be charged to the employer's  
8 experience rating account. If the individual has been  
9 separated from employment other than his most recent bona fide  
10 work under conditions which would have been disqualifying  
11 under this subdivision (2) had the separation been from his  
12 most recent bona fide work and the employer answers a notice  
13 of payment within 15 days after it is mailed to him detailing  
14 the facts in connection with the separation, then no portion  
15 of any benefits paid to him based upon wages for the period of  
16 employment ending in such separation shall be charged to the  
17 employer's experience rating account.

18 "4. Any other provision of this chapter to the  
19 contrary notwithstanding, effective October 21, 2013, the  
20 unemployment compensation account of an employer shall be  
21 charged when the unemployment compensation agency determines  
22 that an overpayment has been made to a claimant as a result of  
23 both of the following:

24 "(i) The overpayment occurred because the employer,  
25 or an agent of the employer, failed to respond timely or

1 adequately to a request from the unemployment compensation  
2 agency for information relating to an unemployment  
3 compensation claim.

4 "(ii) The employer, or an agent of the employer, has  
5 established a pattern of failing to respond timely or  
6 adequately to a request from the unemployment compensation  
7 agency for information relating to an unemployment  
8 compensation claim on two or more occasions.

9 "c. An individual shall not be disqualified if he  
10 left his employment and immediately returned to work with his  
11 regular employer or to employment in which he had prior  
12 existing statutory or contractual seniority or recall rights.  
13 When this exception is applied, any benefits paid to such  
14 individual based upon wages paid for that period of employment  
15 immediately preceding the separation to which the exception is  
16 applied, which have not been heretofore charged to the  
17 employer's experience rating account, shall not be charged to  
18 the account of such employer.

19 "d. For separation occurring on or after August 1,  
20 2012, an individual shall not be disqualified if he or she  
21 left his or her employment to permanently relocate as a result  
22 of his or her active duty military-connected spouse's  
23 permanent change of station orders, activation orders, or unit  
24 deployment orders. When this exception is applied, any  
25 benefits paid to the individual based upon wages paid for that

1 period of employment immediately preceding the separation to  
2 which the exception is applied, which have not been heretofore  
3 charged to the employer's experience rating account, shall not  
4 be charged to the account of the employer.

5 "e. For the purposes of this subdivision (2) and  
6 subdivision (3) of this section, the commissioner in  
7 determining the most recent bona fide work shall only consider  
8 employment of the nature described in subsection (a) of  
9 Section 25-4-10. The commissioner shall also consider the  
10 duration of the most recent job or jobs, the intent of the  
11 individual and his employer as to the permanence of such work  
12 and whether separation from the immediately preceding  
13 employment was under conditions which would be disqualifying  
14 in the event such immediately preceding employment should be  
15 determined to be the most recent bona fide work.

16 "(3) DISCHARGE FOR MISCONDUCT.

17 "a. If he was discharged or removed from his work  
18 for a dishonest or criminal act committed in connection with  
19 his work or for sabotage or an act endangering the safety of  
20 others or for the use of illegal drugs after previous warning  
21 or for the refusal to submit to or cooperate with a blood or  
22 urine test after previous warning. Disqualification under this  
23 paragraph may be applied to separations prior to separation  
24 from the most recent bona fide work only if the employer has  
25 filed a notice with the commissioner alleging that the



1 separation was under conditions described in this paragraph in  
2 such manner and within such time as the director may  
3 prescribe.

4 "(i) A confirmed positive drug test that is  
5 conducted and evaluated according to standards set forth for  
6 the conduct and evaluation of such tests by the U.S.  
7 Department of Transportation in 49 C.F.R. Part 40 or standards  
8 shown by the employer to be otherwise reliable shall be a  
9 conclusive presumption of impairment by illegal drugs. No  
10 unemployment compensation benefits shall be allowed to an  
11 employee having a confirmed positive drug test if the employee  
12 had been warned that such a positive test could result in  
13 dismissal pursuant to a reasonable drug policy. A drug policy  
14 shall be deemed reasonable if the employer shows that all  
15 employees of the employer regardless of position or  
16 classification, are subject to testing under the policy, and  
17 in those instances in which the employer offers as the basis  
18 for disqualification from unemployment compensation benefits  
19 the results obtained pursuant to additional testing imposed on  
20 some but not all classifications, if the employer can also  
21 offer some rational basis for conducting such additional  
22 testing. Further, no unemployment compensation benefits shall  
23 be allowed if the employee refuses to submit to or cooperate  
24 with a blood or urine test as set forth above, or if the

1 employee knowingly alters or adulterates the blood or urine  
 2 specimen.

3 "(ii) For purposes of paragraph a. and item (i) of  
 4 paragraph a. of this subdivision, warning shall mean that the  
 5 employee has been advised in writing of the provisions of the  
 6 employer's drug policy and that either testing positive  
 7 pursuant to the standards referenced above or the refusal to  
 8 submit to or cooperate with a blood or urine test as set out  
 9 in the above referenced standards could result in termination  
 10 of employment. This written notification as herein described  
 11 shall constitute a warning as used in paragraph a. and item  
 12 (i) of paragraph a. of this subdivision.

13 "(iii) To the extent that the issue is a positive  
 14 drug test or the refusal to submit to or cooperate with a  
 15 blood or urine test, or if the employee knowingly alters or  
 16 adulterates the blood or urine sample, as distinguished from  
 17 some other aspect of the employer's drug policy, this  
 18 disqualification under paragraph a. and item (i) of paragraph  
 19 a. shall be the only disqualification to apply, in connection  
 20 with an individual's separation from employment. Other  
 21 non-separation disqualifications may apply.

22 "When an individual is disqualified under this  
 23 paragraph:

24 "1. He shall not be entitled to benefits for the  
 25 week in which the disqualifying event occurs or for any week

1 thereafter until he has reentered insured employment or  
2 employment of the nature described in subdivisions (5), (6),  
3 (7), (8), (9), (10), or (18) of subsection (b) of Section  
4 25-4-10, has earned wages equal at least to 10 times his  
5 weekly benefit amount and has been separated from such  
6 employment for a nondisqualifying reason.

7 "2. He shall not thereafter be entitled to any  
8 benefits under this chapter on account of wages paid to him  
9 for the period of employment by the employer by whom he was  
10 employed when the disqualifying event occurred.

11 "3. For the purposes of the experience rating  
12 provisions of Section 25-4-54:

13 "(i) No portion of any benefits based upon wages  
14 paid to the individual for the period of employment by the  
15 employer by whom he was employed when the disqualifying event  
16 occurred shall be charged to the employer's experience rating  
17 account.

18 "(ii) In the case of a separation prior to the  
19 separation from the most recent bona fide work, if the only  
20 reason disqualification under this paragraph a. was not  
21 assessed was the failure of the employer to properly file a  
22 timely separation report with the commissioner and the  
23 employer files such a report within 15 days after the mailing  
24 of a notice of payment, then no portion of any benefits paid  
25 based upon the wages paid for the period of employment ending

1 in such prior separation shall be charged to the employer's  
2 experience rating account.

3 "b. If he was discharged from his most recent bona  
4 fide work for actual or threatened misconduct committed in  
5 connection with his work (other than acts mentioned in  
6 paragraph a. of this subdivision (3)) repeated after previous  
7 warning to the individual. When an individual is disqualified  
8 under this paragraph, or exempt from disqualification for a  
9 separation under such conditions prior to his most recent bona  
10 fide work, the effect shall be the same as provided in  
11 paragraph b. of subdivision (2) of this section for  
12 disqualification or exemption from disqualification  
13 respectively.

14 "c. If he was discharged from his most recent bona  
15 fide work for misconduct connected with his work [other than  
16 acts mentioned in paragraphs a. and b. of this subdivision  
17 (3)]:

18 "1. He shall be disqualified from receipt of  
19 benefits for the week in which he was discharged and for not  
20 less than the three nor more than the seven next following  
21 weeks, as determined by the commissioner in each case  
22 according to the seriousness of the conduct.

23 "2. The total amount of benefits to which he may  
24 otherwise be entitled as determined in accordance with  
25 Sections 25-4-74 and 25-4-75 shall be reduced by an amount

1 equal to the product of the number of weeks for which he shall  
2 be disqualified multiplied by his weekly benefit amount.

3 "3. Only one-half of the benefits paid to him based  
4 upon wages for that period of employment immediately preceding  
5 the separation to which the disqualification applies shall be  
6 charged to the employer for the purposes of the experience  
7 rating provisions of Section 25-4-54. If the individual has  
8 been separated from employment, other than his most recent  
9 bona fide work, under conditions which would have been  
10 disqualifying under paragraph c. of this subdivision (3), had  
11 the separation been from his most recent bona fide work and  
12 the employer answers a notice of payment within 15 days after  
13 it is mailed to him detailing the facts in connection with the  
14 separation, then only one-half of the benefits paid to him for  
15 that period of employment immediately preceding the separation  
16 shall be charged to the employer for the purposes of the  
17 experience rating provisions of Section 25-4-54, unless the  
18 employer, or an agent of the employer, failed to respond  
19 timely or adequately to written requests pursuant to  
20 subparagraph 4. of paragraph b. of subdivision (2).

21 "d. If he has been suspended as a disciplinary  
22 measure connected with his work, or for misconduct connected  
23 with his work, he shall be disqualified from benefits for the  
24 week or weeks (not to exceed four weeks) in which, or for  
25 which, he is so suspended and the total amount of benefits to

1 which he may otherwise be entitled shall be reduced in the  
2 same manner and to the same extent as provided in subparagraph  
3 2 of paragraph c. of this subdivision (3).

4 "(4) REVOCATION OR SUSPENSION OF REQUIRED LICENSE,  
5 ETC. For the week in which he has become unemployed because a  
6 license, certificate, permit, bond, surety, or insurability  
7 which is necessary for the performance of such employment and  
8 which he is responsible to maintain or supply has been  
9 revoked, suspended or otherwise become lost to him for a cause  
10 other than one which would fall within the meaning of  
11 subdivision (3) of this section, but one which was within his  
12 power to control, guard against, or prevent, and for each week  
13 thereafter until:

14 "a. The license, certificate, permit, bond, or  
15 surety, or insurability, has been restored to him and he has  
16 reapplied to his employer for employment; or

17 "b. He has reentered insured employment or  
18 employment of the nature described in subdivisions (5), (6),  
19 (7), (8), (9), (10), or (18) of subsection (b) of Section  
20 25-4-10, whichever is the earlier.

21 "c. Nothing in this subdivision shall be construed  
22 as basis for disqualification of an individual who is without  
23 fault and who has made a reasonable effort to obtain his or  
24 her initial license, certificate, permit, bond, surety, or  
25 insurability required for the performance of assigned duties.

1           "(5) FAILURE TO ACCEPT AVAILABLE SUITABLE WORK, ETC.  
 2       If he fails, without good cause, either to apply for or to  
 3       accept available suitable work or to return to his customary  
 4       self-employment when so directed by the commissioner or when  
 5       he is notified of suitable work or it is offered him through a  
 6       state employment office or the United States Employment  
 7       Service, or directly or by written notice or offer to any such  
 8       employment office or employment service by an employer by whom  
 9       the individual was formerly employed. Such disqualification  
 10      shall be for a period of not less than one nor more than 10  
 11      weeks from the date of failure. This disqualification shall  
 12      not apply unless the individual has an established benefit  
 13      year, or is seeking to establish one or is seeking extended  
 14      benefits at the time he fails without good cause, to do any of  
 15      the acts set out in this subdivision (5).

16           "a. In determining whether or not any work is  
 17      suitable for an individual, the commissioner shall consider:

18           "1. The degree of risk involved to his health,  
 19      safety, and morals, his physical fitness and prior training,

20           "2. His experience and prior earnings,

21           "3. His length of unemployment,

22           "4. His prospects for securing local work in his  
 23      customary occupation,

24           "5. The distance of the available work from his  
 25      residence; provided, that no work or employment shall be

1 deemed unsuitable because of its distance from the  
2 individual's residence, if such work or employment is in the  
3 same or substantially the same locality as was his last  
4 previous regular place of employment and if the employee left  
5 such voluntarily without good cause connected with such  
6 employment.

7 "b. Notwithstanding any other provisions of this  
8 chapter, no work shall be deemed suitable and benefits shall  
9 not be denied under this chapter to any otherwise eligible  
10 individual for refusing to accept new work under any of the  
11 following conditions:

12 "1. If the position offered is vacant due directly  
13 to a strike, lockout, or other labor dispute;

14 "2. If the wages, hours, or other conditions of the  
15 work offered are substantially less favorable to the  
16 individual than those prevailing for similar work in the  
17 locality; or

18 "3. If as a condition of being employed the  
19 individual would be required to join a company union, or to  
20 resign from or refrain from joining any bona fide labor  
21 organization.

22 "c. Notwithstanding any other provisions of this  
23 section, benefits shall not be denied an individual, by reason  
24 of the application of the provisions of this subdivision (5),  
25 with respect to any week in which he is in training with the



1 approval of the commissioner as described in subdivision  
2 (a) (3) of Section 25-4-77.

3 "(6) RECEIPT OF BACK PAY AWARD, ETC. For any week  
4 with respect to which he is receiving or has received  
5 remuneration in the form of a back pay award. Notwithstanding  
6 the provisions of Section 25-4-91 any benefits previously paid  
7 for weeks of unemployment with respect to which back pay  
8 awards are made shall constitute an overpayment and such  
9 amounts shall be deducted from the award by the employer prior  
10 to payment to the employee and shall be transmitted promptly  
11 to the director by the employer for application against the  
12 overpayment and credit to the claimant's maximum benefit  
13 amount and prompt deposit into the fund; provided, however,  
14 the removal of any charges made against the employer as a  
15 result of such previously paid benefits shall be applied to  
16 the calendar year and the calendar quarter in which the  
17 overpayment is received by the commissioner and no attempt  
18 shall be made to relate such a credit to the period to which  
19 the award applies. Any amount of overpayment deducted by the  
20 employer shall be subject to the same procedures for  
21 collection as is provided for contributions by Section  
22 25-4-134 of this chapter.

23 "(7) RECEIPT OF OR APPLICATION FOR UNEMPLOYMENT  
24 COMPENSATION FROM ANOTHER STATE, ETC. For any week with  
25 respect to which, or a part of which, he has received or is

1 seeking unemployment benefits under an unemployment  
2 compensation law of any other state or of the United States;  
3 provided, that if the appropriate agency of such other state  
4 or of the United States finally determines that he is not  
5 entitled to such unemployment benefits this disqualification  
6 shall not apply.

7 "(8) RECEIPT OF PENSION PAYMENT. For any week with  
8 respect to which, or a part of which, an individual has  
9 received or has, except for the determination of an exact or  
10 specific amount, been determined eligible to receive (during a  
11 period for which benefits are being claimed) governmental or  
12 other pension, retirement or retired pay, annuity, or similar  
13 periodic payment which is based on the previous work of the  
14 individual; except, that

15 "a. For weeks of unemployment which begin prior to  
16 April 26, 1982, as was prescribed by this subsection prior to  
17 such date, and

18 "b. For weeks of unemployment which begin on or  
19 after April 26, 1982, the amount of any benefits payable to an  
20 individual for any such week which begins in a period with  
21 respect to which the disqualifying provisions of this  
22 subdivision apply, shall be reduced (but not below zero) by an  
23 amount equal to the amount of such pension, retirement or  
24 retired pay, annuity, or other payment, which is reasonably  
25 attributable to such week, provided, however, such reduction

1 required hereby shall apply to any pension, retirement or  
2 retired pay, annuity, or other similar payment only if:

3 "1. Such payment is made under a plan that is  
4 maintained (or contributed to) by a base period employer and  
5 100 percent employer-financed and not contributed to by the  
6 worker, and

7 "2. In the case of such a payment not made under the  
8 Social Security Act or the Railroad Retirement Act of 1974 (or  
9 the corresponding provisions of prior law), services performed  
10 for such employer by the individual after the beginning of his  
11 base period (or remuneration for such services) affect  
12 eligibility for or increase the amount of, such payment.

13 "c. The other provisions of this subdivision to the  
14 contrary notwithstanding, beginning with the weeks ending  
15 October 7, 1995, the amount of any pension, retirement or  
16 retired pay, annuity, or other similar periodic payment under  
17 the Social Security Act or the Railroad Retirement Act shall  
18 not result in a reduction of benefits under this subdivision.

19 "d. If in accordance with this subdivision (8) any  
20 individual is awarded pension payments retroactively covering  
21 the same period for which the individual received benefits,  
22 the retroactive payments shall constitute cause for  
23 disqualification and any benefits paid during such period  
24 shall be recovered only if the retroactive pension payments  
25 were made under a plan that is maintained (or contributed to)

1 by a base period employer, 100 percent employer-financed, and  
2 not contributed to by the worker.

3 "(9) RECEIPT OF OR APPLICATION FOR WORKERS'  
4 COMPENSATION. For any week with respect to which, or a part of  
5 which, he has received or is seeking compensation for  
6 temporary disability under any workers' compensation law;  
7 provided, that if it is finally determined he is not entitled  
8 to such compensation, this disqualification shall not apply;  
9 and provided further, that if such compensation is less than  
10 the benefits which would otherwise be due under this chapter,  
11 he shall be entitled to receive for such week, if otherwise  
12 eligible, benefits reduced by the amount of such payment.

13 "(10) EMPLOYMENT BY PUBLIC WORKS AGENCY, ETC. For  
14 any week that such individual is engaged or employed by the  
15 Works Progress Administration, the National Youth  
16 Administration or any federal or state unit, agency or  
17 instrumentality in charge of public works, assistance through  
18 public employment or work relief.

19 "(11) SELF-EMPLOYMENT. For any week in which he is  
20 self-employed and each week thereafter until he shall  
21 establish that he is no longer self-employed.

22 "(12) RECEIPT OF, OR APPLICATION FOR, TRAINING  
23 ALLOWANCE, ETC. For any week with respect to which, or a part  
24 of which, an individual who is enrolled in a course of  
25 training with the approval of the commissioner, within the

1 meaning of subdivision (a) (3) of Section 25-4-77, has applied  
2 for, or is entitled to receive, any wage or subsistence or  
3 training allowance or other form of remuneration, other than  
4 reimbursement for travel expenses, for a course of training  
5 under any public or private training program; provided, that  
6 if it is finally determined that he is not entitled to such  
7 remuneration, this disqualification shall not apply. If the  
8 remuneration, the receipt of which is disqualifying under this  
9 subdivision (12), is less than the weekly benefits which he  
10 would otherwise be due under this chapter he shall be entitled  
11 to receive, if otherwise eligible, weekly benefits reduced by  
12 the amount of such remuneration. It is further provided that  
13 receipt of training allowances under the Trade Readjustment  
14 Act shall not be cause for disqualification under this  
15 subdivision.

16 "(13) PARTICIPATION IN PROFESSIONAL SPORTS. For any  
17 week which commences during the period between two successive  
18 sport seasons (or similar periods) to any individual for which  
19 benefits claimed are on the basis of any services,  
20 substantially all of which consist of participating in sports  
21 or athletic events or training or preparing to so participate,  
22 if such individual performed such services in the first of  
23 such seasons (or similar periods) and there is a reasonable  
24 assurance that such individual will perform such services in  
25 the later of such seasons (or similar periods).

1           "(14) ALIENS.

2           "a. For any week for which benefits claimed are on  
3 the basis of services performed by an alien unless:

4           "1. Such alien is an individual who was lawfully  
5 admitted for permanent residence at the time such services  
6 were performed, and was lawfully present for purposes of  
7 performing such services; or,

8           "2. Such alien was permanently residing in the  
9 United States under color of law at the time such services  
10 were performed (including an alien who is lawfully present in  
11 the United States as a result of the application of the  
12 provisions of Section 203(a)(7) or Section 212(d)(5) of the  
13 Immigration and Nationality Act); or,

14           "3. Such alien was lawfully admitted for temporary  
15 residence as provided for under the provisions of Section  
16 245A(a) of the Immigration Reform and Control Act of 1986 (PL  
17 99-603).

18           "b. Any data or information required of individuals  
19 applying for benefits to determine whether benefits are not  
20 payable to them because of their alien status shall be  
21 uniformly required from all applicants for benefits.

22           "c. In the case of an individual whose application  
23 for benefits would otherwise be approved, no determination  
24 that benefits to such individual are not payable because of

1 his alien status shall be made except upon a preponderance of  
2 the evidence."

3 Section 2. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

---

Speaker of the House of Representatives

---

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 14-MAY-15.

Jeff Woodard  
Clerk

---

Senate

---

04-JUN-15

---

Passed