

1-1 By: Oliveira (Senate Sponsor - Lucio) H.B. No. 1819
1-2 (In the Senate - Received from the House April 7, 2003;
1-3 April 9, 2003, read first time and referred to Committee on
1-4 Business and Commerce; April 23, 2003, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; April 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to an exclusion from unemployment compensation
1-9 chargebacks based on a separation from employment caused by certain
1-10 disasters.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 204.022(a), Labor Code, is amended to
1-13 read as follows:

1-14 (a) Benefits computed on benefit wage credits of an employee
1-15 or former employee may not be charged to the account of an employer
1-16 if the employee's last separation from the employer's employment
1-17 before the employee's benefit year:

1-18 (1) was required by a federal statute;

1-19 (2) was required by a statute of this state or an
1-20 ordinance of a municipality of this state;

1-21 (3) would have disqualified the employee under Section
1-22 207.044, 207.045, 207.051, or 207.053 if the employment had been
1-23 the employee's last work;

1-24 (4) imposes a disqualification under Section 207.044,
1-25 207.045, 207.051, or 207.053;

1-26 (5) was caused by a medically verifiable illness of
1-27 the employee or the employee's minor child;

1-28 (6) was based on a natural disaster that results in a
1-29 disaster declaration by the president of the United States under
1-30 the Robert T. Stafford Disaster Relief and Emergency Assistance Act
1-31 (42 U.S.C. Section 5121 et seq.), if the employee would have been
1-32 entitled to unemployment assistance benefits under Section 410 of
1-33 that act (42 U.S.C. Section 5177) had the employee not received
1-34 state unemployment compensation benefits;

1-35 (7) was caused by a natural disaster, fire, flood, or
1-36 explosion that causes employees to be separated from one employer's
1-37 employment; ~~or~~

1-38 (8) resulted from the employee's resigning from
1-39 partial employment to accept other employment that the employee
1-40 reasonably believed would increase the employee's weekly wage; or

1-41 (9) was based on a disaster that results in a disaster
1-42 declaration by the governor under Section 418.014, Government Code.

1-43 SECTION 2. This Act applies only to a claim for unemployment
1-44 compensation benefits that is filed with the Texas Workforce
1-45 Commission on or after the effective date of this Act. A claim
1-46 filed before that date is governed by the law in effect on the date
1-47 the claim was filed, and the former law is continued in effect for
1-48 that purpose.

1-49 SECTION 3. This Act takes effect immediately if it receives
1-50 a vote of two-thirds of all the members elected to each house, as
1-51 provided by Section 39, Article III, Texas Constitution. If this
1-52 Act does not receive the vote necessary for immediate effect, this
1-53 Act takes effect September 1, 2003.

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