

AN ACT

relating to the administration of the unemployment compensation system by the Texas Workforce Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 207.002, Labor Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) The commission shall determine the average weekly wage in covered employment and compute the maximum and minimum weekly benefit amount not later than October 1 of each year based on the annual average weekly wage for the preceding year. If a benefit amount computed under this subsection includes cents [~~is not a multiple of \$1~~], the commission shall adjust [~~increase~~] the benefit amount as follows:

(1) if the computed benefit amount includes at least one cent but not more than 49 cents, the commission shall round the benefit down to the nearest [~~to the next~~] multiple of \$1; and

(2) if the computed benefit amount includes at least 50 cents but not more than 99 cents, the commission shall round the benefit amount up to the nearest multiple of \$1.

(c-1) An increase in the maximum weekly benefit amount may not exceed \$14 in any year. An increase in the minimum weekly benefit amount may not exceed \$1 in any year.

SECTION 2. Section 207.007(b), Labor Code, is amended to

1 read as follows:

2 (b) An individual claiming benefits in a proceeding before
3 the commission or a court may be represented by counsel or another
4 authorized agent. Counsel or an agent representing an individual
5 under this subtitle may ~~[not]~~ charge and collect ~~[or receive]~~ a fee
6 for the counsel's or agent's ~~[these]~~ services ~~[greater than an~~
7 ~~amount approved by the commission]~~.

8 SECTION 3. Section 207.101(a), Labor Code, is amended to
9 read as follows:

10 (a) An eligible individual may elect to have federal income
11 tax withheld from benefits. The commission shall withhold federal
12 income taxes from the benefits of an individual who elects the
13 withholding as provided by the Federal Unemployment Tax Act (26
14 U.S.C. Section 3301 et seq.) and Section 303, Social Security Act
15 (42 U.S.C. Section 503) ~~[, as those laws are amended by P.L.~~
16 ~~103-465]~~.

17 SECTION 4. The change in law made by this Act by the
18 amendment of Section 207.007, Labor Code, applies only to a
19 proceeding before the Texas Workforce Commission or a court that is
20 commenced on or after the effective date of this Act. A proceeding
21 commenced before the effective date of this Act is governed by the
22 law in effect on the date the proceeding was commenced, and the
23 former law is continued in effect for that purpose.

24 SECTION 5. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 2273 was passed by the House on April 6, 2005, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2273 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor