

By: Williams

S.B. No. 789

A BILL TO BE ENTITLED

AN ACT

relating to the liability of a person who has obtained improper unemployment compensation benefits.

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

SECTION 1. Section 214.002, Labor Code, is amended to read as follows:

Sec. 214.002. LIABILITY FOR ~~[IMPROPERLY]~~ OBTAINING IMPROPER BENEFITS. (a) A person who has received improper benefits is liable for the amount of the improper benefits. The commission may recover improper benefits by:

(1) deducting the amount of the improper benefits from any future benefits payable to the person;

(2) employing a private collection agency to seek repayment of the amount of the improper benefits; or

(3) ~~(2)~~ collecting the amount of the improper benefits for the compensation fund in the same manner provided by Sections 213.031, 213.032, 213.033, 213.035, and 213.051 for the collection of past due contributions.

(b) In this section, "improper benefit" means any ~~[the]~~ benefit or payment obtained under this subtitle by a person who is disqualified or otherwise ineligible to receive the benefit or payment for any reason under a final determination or decision made under this subtitle ~~[+]~~

~~[(1) because of the nondisclosure or~~

1 ~~misrepresentation by the person or by another of a material fact,~~  
2 ~~without regard to whether the nondisclosure or misrepresentation~~  
3 ~~was known or fraudulent, and~~

4 ~~[(2) while:~~

5 ~~[(A) any condition imposed by this subtitle for~~  
6 ~~the person's qualifying for the benefit was not fulfilled in the~~  
7 ~~person's case; or~~

8 ~~[(B) the person was disqualified from receiving~~  
9 ~~benefits].~~

10 SECTION 2. The changes in law made by this Act apply only to  
11 unemployment compensation benefits based on a claim that is filed  
12 with the Texas Workforce Commission on or after the effective date  
13 of this Act. A claim filed before the effective date of this Act is  
14 governed by the law in effect on the date the claim was filed, and  
15 the former law is continued in effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2005.