

AN ACT

relating to the operation of the unemployment compensation system and computation of an individual's unemployment compensation benefits; providing a criminal penalty.

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

SECTION 1. Section 207.002, Labor Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) An eligible individual who is totally unemployed in a benefit period is entitled to benefits for the benefit period at the rate of 1/25 of the wages received by the individual from employment by employers during that quarter in the individual's base period in which wages were highest. For purposes of this subsection, the wages received by the individual from employment by employers during the individual's base period include wages ordered to be paid to the individual by a final order of the commission under Chapter 61 that:

(1) were due to be paid to the individual by an employer during the individual's base period; and

(2) will be credited to the date or dates on which the payment of those wages was due.

(a-1) The commission by rule shall determine the method of crediting wages to a particular quarter for purposes of Subsection (a).

1 (a-2) The rate of benefits paid under this section may not
2 be more than the maximum weekly benefit amount computed under
3 Subsection (b) or less than the minimum weekly benefit amount
4 computed under Subsection (b) for each benefit period.

5 SECTION 2. Section 207.004, Labor Code, is amended by
6 amending Subsection (a) and adding Subsection (a-1) to read as
7 follows:

8 (a) The commission shall credit as benefit wage credits
9 during an individual's base period:

10 (1) [an individual's] wages the individual received
11 for employment from an employer during the individual's base
12 period; and

13 (2) wages ordered to be paid by a final order issued by
14 the commission under Chapter 61 that:

15 (A) were due to be paid by an employer during the
16 individual's base period; and

17 (B) will be credited to the date or dates on which
18 the payment of those wages was due [as the individual's benefit wage
19 credits].

20 (a-1) The commission by rule shall determine the method of
21 crediting wages to an individual's base period for purposes of
22 Subsection (a).

23 SECTION 3. Sections 301.081(c) and (d), Labor Code, are
24 amended to read as follows:

25 (c) Employment information [~~thus~~] obtained or otherwise
26 secured under this section may not be published and is not open to
27 public inspection, other than to a public employee in the

1 performance of public duties, except as the commission considers
2 necessary for the proper administration of this title or as
3 provided by commission rule and consistent with federal law.

4 (d) A person commits an offense if the person [~~is an~~
5 ~~employee or member of the commission who~~] violates any provision of
6 this section. An offense under this subsection is a Class A
7 misdemeanor [~~is punishable by a fine of not less than \$20 nor more~~
8 ~~than \$200, confinement in jail for not more than 90 days, or both~~
9 ~~fine and confinement~~].

10 SECTION 4. Subchapter F, Chapter 301, Labor Code, is
11 amended by adding Section 301.085 to read as follows:

12 Sec. 301.085. UNEMPLOYMENT COMPENSATION INFORMATION;
13 OFFENSE; PENALTY. (a) In this section, "unemployment compensation
14 information" means information in the records of the commission
15 that pertains to the administration of Subtitle A, including any
16 information collected, received, developed, or maintained in the
17 administration of unemployment compensation benefits or the
18 unemployment compensation tax system.

19 (b) Consistent with federal law, the commission shall adopt
20 and enforce reasonable rules governing the confidentiality,
21 custody, use, preservation, and disclosure of unemployment
22 compensation information. The rules must include safeguards to
23 protect the confidentiality of identifying information regarding
24 any individual or any past or present employer or employing unit
25 contained in unemployment compensation information, including any
26 information that foreseeably could be combined with other publicly
27 available information to reveal identifying information regarding

1 the individual, employer, or employing unit, as applicable.

2 (c) Unemployment compensation information is not public
3 information for purposes of Chapter 552, Government Code.

4 (d) Unless permitted by this subchapter or commission rule,
5 a person commits an offense if the person solicits, discloses,
6 receives, or uses, or authorizes, permits, participates in, or
7 acquiesces in another person's use of, unemployment compensation
8 information that reveals:

9 (1) identifying information regarding any individual
10 or past or present employer or employing unit; or

11 (2) information that foreseeably could be combined
12 with other publicly available information to reveal identifying
13 information regarding any individual or past or present employer or
14 employing unit.

15 (e) An offense under Subsection (d) is a Class A
16 misdemeanor.

17 SECTION 5. (a) The changes in law made by this Act apply
18 only to eligibility for unemployment benefits based on an
19 unemployment compensation claim that is filed with the Texas
20 Workforce Commission on or after the effective date of this Act. A
21 claim filed before that date is governed by the law in effect on the
22 date the claim was filed, and the former law is continued in effect
23 for that purpose.

24 (b) The change in law made by this Act to Section
25 301.081(d), Labor Code, applies only to an offense committed on or
26 after the effective date of this Act. An offense committed before
27 the effective date of this Act is governed by the law in effect at

1 the time the offense was committed, and the former law is continued
2 in effect for that purpose. For purposes of this section, an
3 offense was committed before the effective date of this Act if any
4 element of the offense was committed before that date.

5 SECTION 6. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 2120 was passed by the House on April 25, 2007, by the following vote: Yeas 141, Nays 2, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2120 on May 26, 2007, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2120 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor