

By: Woolley

H.B. No. 2185

Substitute the following for H.B. No. 2185:

By: Straus

C.S.H.B. No. 2185

A BILL TO BE ENTITLED

AN ACT

relating to liability for the refund of certain unemployment compensation benefits to the Texas Workforce Commission.

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

SECTION 1. Section 212.006, Labor Code, is amended to read as follows:

Sec. 212.006. RECOVERY OF BENEFITS PAID. (a) Benefits paid to a claimant that are not in accordance with the final decision shall be:

(1) refunded by the claimant to the commission; ~~[or]~~

(2) in the discretion of the commission, deducted from future benefits payable to the claimant under this subtitle; or

(3) refunded to the commission by a person the commission has determined at fault for failing, without good cause, to respond adequately to a request from the commission for information relating to the claim.

(b) Benefits paid that are not in accordance with the final decision are also collectible from the claimant or a person described by Subsection (a)(3) in the manner provided by Sections 213.031, 213.032, 213.033, 213.035, and 213.051 for the collection of past due contributions.

(c) If the commission determines that a person other than the claimant is liable under Subsection (a)(3) for the refund of benefits paid to the claimant that are not in accordance with the

1 final decision, the claimant is not liable for refund of those
2 benefits.

3 (d) For purposes of Subsection (a)(3), a person's failure to
4 respond adequately to a request for information from the commission
5 may include the person's failure to provide accurate information,
6 more detailed information, or clarifying information on material
7 facts relating to the claim.

8 SECTION 2. Section 214.002(a), Labor Code, is amended to
9 read as follows:

10 (a) A person who has received improper benefits is liable
11 for the amount of the improper benefits unless the commission has
12 determined that another person is liable to the commission for the
13 refund of those benefits under Section 212.006(a)(3). The
14 commission may recover improper benefits by:

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

17 (2) collecting the amount of the improper benefits for
18 the compensation fund in the same manner provided by Sections
19 213.031, 213.032, 213.033, 213.035, and 213.051 for the collection
20 of past due contributions.

21 SECTION 3. The change in law made by this Act applies only
22 to a claim for unemployment compensation benefits that is filed
23 with the Texas Workforce Commission on or after the effective date
24 of this Act. A claim filed before that date is governed by the law
25 in effect on the date that the claim was filed, and the former law is
26 continued in effect for that purpose.

27 SECTION 4. This Act takes effect September 1, 2007.