

By: Woolley

H.B. No. 2185

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. Section 212.006, Labor Code, is amended by
6 amending Subsection (a) and adding Subsections (c) and (d) to read
7 as follows:

8 (a) Benefits paid to a claimant that are not in accordance
9 with the final decision shall be:

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

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

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

17 (c) If the commission determines that a person other than
18 the claimant is liable under Subsection (a)(3) for the refund of
19 benefits paid to the claimant that are not in accordance with the
20 final decision, the claimant is not liable for refund of those
21 benefits.

22 (d) For purposes of Subsection (a)(3), a person's failure to
23 respond adequately to a request for information from the commission
24 may include the person's failure to provide accurate information,

1 more detailed information, or clarifying information on material
2 facts relating to the claim.

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

5 (a) A person who has received improper benefits is liable
6 for the amount of the improper benefits unless the commission has
7 determined that another person is liable to the commission for the
8 refund of those benefits under Section 212.006(a)(3). The
9 commission may recover improper benefits by:

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

12 (2) collecting the amount of the improper benefits for
13 the compensation fund in the same manner provided by Sections
14 213.031, 213.032, 213.033, 213.035, and 213.051 for the collection
15 of past due contributions.

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

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