

By: Swinford

H.B. No. 2866

A BILL TO BE ENTITLED

1 AN ACT

2 relating to liability for obtaining improper unemployment
3 compensation benefits.

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

5 SECTION 1. The heading to Section 214.002, Labor Code, is
6 amended to read as follows:

7 Sec. 214.002. LIABILITY FOR [~~IMPROPERLY~~] OBTAINING
8 IMPROPER BENEFITS.

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

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

16 [~~(1) because of the nondisclosure or~~
17 ~~misrepresentation by the person or by another of a material fact,~~
18 ~~without regard to whether the nondisclosure or misrepresentation~~
19 ~~was known or fraudulent, and~~

20 [~~(2) while:~~

21 [~~(A) any condition imposed by this subtitle for~~
22 ~~the person's qualifying for the benefit was not fulfilled in the~~
23 ~~person's case, or~~

24 [~~(B) the person was disqualified from receiving~~

1 ~~benefits~~].

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

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