

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Dukes, Bohac, Miles, Guillen, et al.

H.B. No. 550

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain victims of family violence for unemployment compensation.

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

SECTION 1. Section 204.022(a), Labor Code, as amended by Chapters 39, 493, and 728, Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

(a) Benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year:

(1) was required by a federal statute;

(2) was required by a statute of this state or an ordinance of a municipality of this state;

(3) would have disqualified the employee under Section 207.044, 207.045, 207.051, or 207.053 if the employment had been the employee's last work;

(4) imposes a disqualification under Section 207.044, 207.045, 207.051, or 207.053;

(5) was caused by a medically verifiable illness of the employee or the employee's minor child;

(6) was based on a natural disaster that results in a disaster declaration by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act

1 (42 U.S.C. Section 5121 et seq.), if the employee would have been  
2 entitled to unemployment assistance benefits under Section 410 of  
3 that act (42 U.S.C. Section 5177) had the employee not received  
4 state unemployment compensation benefits;

5 (7) was caused by a natural disaster, fire, flood, or  
6 explosion that causes employees to be separated from one employer's  
7 employment;

8 (8) was based on a disaster that results in a disaster  
9 declaration by the governor under Section 418.014, Government Code;

10 (9) resulted from the employee's resigning from  
11 partial employment to accept other employment that the employee  
12 reasonably believed would increase the employee's weekly wage;

13 (10) was caused by the employer being called to active  
14 military service in any branch of the United States armed forces on  
15 or after January 1, 2003;

16 (11) resulted from the employee leaving the employee's  
17 workplace to protect the employee from family violence or stalking  
18 as evidenced by:

19 (A) an active or recently issued protective order  
20 documenting family violence against, or the stalking of, the  
21 employee or the potential for family violence against, or the  
22 stalking of, the employee;

23 (B) a police record documenting family violence  
24 against, or the stalking of, the employee; or ~~and~~

25 (C) a physician's statement or other medical  
26 documentation that describes the ~~of~~ family violence against the  
27 employee that:

1                    (i) is recorded in any form or medium that  
2 identifies the employee as the patient; and

3                    (ii) relates to the history, diagnosis,  
4 treatment, or prognosis of the patient; [✗]

5                    (12) resulted from a move from the area of the  
6 employee's employment that:

7                    (A) was made with the employee's spouse who is a  
8 member of the armed forces of the United States; and

9                    (B) resulted from the spouse's permanent change  
10 of station of longer than 120 days or a tour of duty of longer than  
11 one year; or

12                    (13) [~~(12)~~] was caused by the employee being unable to  
13 perform the work as a result of a disability for which the employee  
14 is receiving disability insurance benefits under 42 U.S.C. Section  
15 423.

16                    SECTION 2. Section 204.022(c), Labor Code, is amended to  
17 read as follows:

18                    (c) Except as provided by law, evidence regarding an  
19 employee described by Subsection (a)(11) [~~(a)(9)~~] may not be  
20 disclosed to any person without the consent of the employee.

21                    SECTION 3. Section 207.046(a), Labor Code, is amended to  
22 read as follows:

23                    (a) An individual is not disqualified for benefits under  
24 this subchapter if:

25                    (1) the work-related reason for the individual's  
26 separation from employment was urgent, compelling, and necessary so  
27 as to make the separation involuntary; or

1           (2) the individual leaves the workplace to protect the  
2 individual from family violence or stalking as evidenced by:

3           (A) an active or recently issued protective order  
4 documenting family violence against, or the stalking of, the  
5 employee or the potential for family violence against, or the  
6 stalking of, the employee;

7           (B) a police record documenting family violence  
8 against, or the stalking of, the employee; or ~~and~~

9           (C) a physician's statement or other medical  
10 documentation that describes the ~~of~~ family violence against the  
11 employee that:

12                           (i) is recorded in any form or medium that  
13 identifies the employee as the patient; and

14                           (ii) relates to the history, diagnosis,  
15 treatment, or prognosis of the patient.

16           SECTION 4. The changes in law made by this Act apply only to  
17 eligibility for unemployment compensation benefits based on an  
18 unemployment compensation claim that is filed with the Texas  
19 Workforce Commission on or after the effective date of this Act. A  
20 claim filed before the effective date of this Act is governed by the  
21 law in effect on the date the claim was filed, and the former law is  
22 continued in effect for that purpose.

23           SECTION 5. To the extent of any conflict, this Act prevails  
24 over another Act of the 80th Legislature, Regular Session, 2007,  
25 relating to nonsubstantive additions to and corrections in enacted  
26 codes.

27           SECTION 6. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2007.

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 21 2007

BY:

*Jackson*

*Letty Spew*  
Secretary of the Senate

1 Amend H.B. No. 550 (Senate Committee Printing) as follows:

2 (1) In SECTION 1 of the bill, in amended Subsection (a),  
3 Section 204.022, Labor Code (page 2, line 4), strike "or" and  
4 substitute "[~~or~~]".

5 (2) In SECTION 1 of the bill, in amended Subsection (a),  
6 Section 204.022, Labor Code (page 2, line 8), between "423" and  
7 the period, insert the following:

8 "; or

9 (14) resulted from the employee leaving the employee's  
10 workplace to care for the employee's terminally ill spouse as  
11 evidenced by a physician's statement or other medical  
12 documentation, but only if no reasonable, alternative care was  
13 available".

14 (3) In SECTION 3 of the bill, in amended Subsection (a),  
15 Section 207.046, Labor Code (page 2, line 20), strike "or" and  
16 substitute "[~~or~~]".

17 (4) In SECTION 3 of the bill, in amended Subsection (a),  
18 Section 207.046, Labor Code (page 2, line 35), between "patient"  
19 and the period, insert the following:

20 "; or

21 (3) the individual leaves the workplace to care for  
22 the individual's terminally ill spouse as evidenced by a  
23 physician's statement or other medical documentation, but only  
24 if no reasonable, alternative care was available".

6

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

April 19, 2007

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB550** by Dukes (Relating to the eligibility of certain victims of family violence for unemployment compensation.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Labor Code relating to the eligibility of certain victims of family violence for unemployment compensation. Based on the analysis of the Texas Workforce Commission, it is assumed that no significant increase in payments for claims would be realized from the unemployment insurance (UI) fund and it is also assumed that any duties and responsibilities associated with the bill would be covered using existing resources.

The bill would take effect upon receiving a two-thirds majority vote in each house; otherwise, the bill would take effect September 1, 2007.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 320 Texas Workforce Commission

**LBB Staff:** JOB, CL, JRO, MW, NV

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 22, 2007**

**TO:** Honorable Helen Giddings, Chair, House Committee on Business & Industry

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB550** by Dukes (relating to the eligibility of certain victims of family violence for unemployment compensation.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Labor Code relating to the eligibility of certain victims of family violence for unemployment compensation. Based on the analysis of the Texas Workforce Commission, it is assumed that no significant increase in payments for claims would be realized from the unemployment insurance (UI) fund and it is also assumed that any duties and responsibilities associated with the bill would be covered using existing resources.

The bill would take effect upon receiving a two-thirds majority vote in each house; otherwise, the bill would take effect September 1, 2007.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 320 Texas Workforce Commission

**LBB Staff:** JOB, JRO, MW, NV



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**February 26, 2007**

**TO:** Honorable Helen Giddings, Chair, House Committee on Business & Industry

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB550** by Dukes (Relating to the eligibility of certain victims of family violence for unemployment compensation.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Labor Code relating to the eligibility of certain victims of family violence for unemployment compensation. Based on the analysis of the Texas Workforce Commission, it is assumed that no significant increase in payments for claims would be realized from the unemployment insurance (UI) fund and it is also assumed that any duties and responsibilities associated with the bill would be covered using existing resources.

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