

Amend CSSB 1569 (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 214.002, Labor Code, is amended to read as follows:

Sec. 214.002. LIABILITY FOR ~~[IMPROPERLY]~~ OBTAINING IMPROPER BENEFITS. (a) A person who has received improper benefits is liable for the amount of the improper benefits. The commission may recover improper benefits by:

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

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

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

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

~~[(2) while:~~

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

~~[(B) the person was disqualified from receiving benefits].~~

(c) If a person receives improper benefits due to a mistake by the commission, the commission shall begin to recover the improper benefits not later than the first anniversary after the date the last improper benefit was paid. Improper benefits under this subsection may not be collected in the manner described by Subsection (a)(2). The commission may recover the improper benefits only by:

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

(2) offering a payment plan to the person.

SECTION _____. The change in law made by this Act to Section 214.002, Labor Code, applies only to a claim for unemployment compensation benefits filed with the Texas Workforce Commission on or after the effective date of this Act. A claim filed before the effective date of this Act is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.