

By: Harless

H.B. No. 4125

Substitute the following for H.B. No. 4125:

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C.S.H.B. No. 4125

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

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

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

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

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

22 [~~(1) because of the nondisclosure or~~
23 ~~misrepresentation by the person or by another of a material fact,~~
24 ~~without regard to whether the nondisclosure or misrepresentation~~

1 ~~was known or fraudulent; and~~

2 ~~[(2) while:~~

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

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

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

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

17 (2) offering a payment plan to the person.

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

24 SECTION 3. This Act takes effect September 1, 2009.