

By: Murphy, Miles

H.B. No. 2581

Substitute the following for H.B. No. 2581:

By: Murphy

C.S.H.B. No. 2581

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the computation of a surplus credit for certain  
3 successor employing units.

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

5 SECTION 1. Subchapter E, Chapter 204, Labor Code, is  
6 amended by adding Section 204.0861 to read as follows:

7 Sec. 204.0861. SURPLUS CREDIT FOR SUCCESSOR EMPLOYING  
8 UNITS. (a) In this section, "surplus credit" means a credit  
9 described by Section 204.0651.

10 (b) A successor employing unit to which compensation  
11 experience is transferred under Section 204.083 is entitled to a  
12 surplus credit attributable to, but not applied or received by, the  
13 predecessor employing unit.

14 (c) A successor employing unit to which compensation  
15 experience is transferred under Section 204.084 is entitled to a  
16 surplus credit attributable to, but not applied or received by, the  
17 predecessor employing unit if the commission determines that the  
18 requirement described by Section 204.084(c)(3) is satisfied.

19 (d) If the commission determines that a transfer of  
20 compensation experience was accomplished solely or primarily for  
21 the purpose of obtaining a lower contribution rate, a successor  
22 employing unit is not entitled to, and may not apply or receive, a  
23 surplus credit under Subsection (b) or (c).

24 (e) A predecessor employing unit is not entitled to, and may

1 not apply or receive, all or any portion of a surplus credit that is  
2 based on compensation experience that is transferred to a successor  
3 employing unit under this subchapter.

4 (f) The commission shall adopt rules necessary to implement  
5 and enforce this section, including rules that ensure that only a  
6 successor employing unit applies or receives all or part of a  
7 surplus credit previously attributable to a predecessor employing  
8 unit.

9 SECTION 2. Section 204.0861, Labor Code, as added by this  
10 Act, applies only to an acquisition of an organization, trade, or  
11 business that occurs on or after the effective date of this Act. An  
12 acquisition of an organization, trade, or business that occurs  
13 before the effective date of this Act is governed by the law in  
14 effect on the date the acquisition occurred, and that law is  
15 continued in effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2011.