

By: Legler

H.B. No. 2956

A BILL TO BE ENTITLED

AN ACT

relating to the recovery of fraudulently obtained unemployment benefits or of taxes or fees owed to the state.

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

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

Sec. 214.002. LIABILITY FOR IMPROPERLY OR FRAUDULENTLY OBTAINING BENEFITS.

SECTION 2. Section 214.002, Labor Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) A person who receives benefits through the commission of an offense under Section 214.001 is liable for the amount of the fraudulently obtained benefits that the person received. The commission may recover fraudulently obtained benefits by:

(1) any means described by Subsection (a) for the recovery of improper benefits; or

(2) garnishment of wages.

(b) In this section:

(1) "Fraudulently obtained benefit" means a benefit obtained by a person through the commission of an offense under Section 214.001.

(2) "Improper [~~,"improper]~~ benefit" means a [the] benefit obtained by a person:

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

5            (B) [~~(2)~~] while:

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

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

11            SECTION 3. Subchapter A, Chapter 111, Tax Code, is amended  
12 by adding Section 111.025 to read as follows:

13            Sec. 111.025. GARNISHMENT OF WAGES. The comptroller may  
14 recover a tax or fee owed to the state by a person by garnishing the  
15 person's wages if a final judgment has been entered by a court  
16 establishing the amount owed.

17            SECTION 4. The changes in law made by this Act to Section  
18 214.002, Labor Code, apply to benefits obtained through an offense  
19 committed under Section 214.001, Labor Code, on or after the  
20 effective date of this Act. Benefits obtained through an offense  
21 committed before the effective date of this Act are governed by the  
22 law in effect when the offense was committed, and the former law is  
23 continued in effect for that purpose. For purposes of this section,  
24 an offense was committed before the effective date of this Act if  
25 any element of the offense occurred before that date.

26            SECTION 5. Section 111.025, Tax Code, as added by this Act,  
27 applies to a tax or fee that is imposed on or after the effective

1 date of this Act. A tax or fee imposed before the effective date of  
2 this Act is governed by the law in effect when the tax or fee was  
3 imposed, and the former law is continued in effect for that purpose.

4 SECTION 6. This Act takes effect on the date on which the  
5 constitutional amendment proposed by the 82nd Legislature, Regular  
6 Session, 2011, authorizing garnishment of wages for the recovery of  
7 fraudulently obtained unemployment benefits or of taxes or fees  
8 owed to the state is approved by the voters. If that amendment is  
9 not approved by the voters, this Act has no effect.