

BILL ANALYSIS

C.S.H.B. 983

By: Elkins

Economic & Small Business Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A few times a year, counties may hire temporary personnel to work for a single day or up to a few weeks to help run elections. Interested parties note that these individuals understand that this employment is temporary and that it is limited to working in relation to a particular election, yet some of these individuals apply for and receive unemployment compensation benefits after the temporary employment has ended. C.S.H.B. 983 seeks to address this situation by excluding such employment from unemployment compensation benefits.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 983 amends the Labor Code to exclude from the definition of "employment" under the Texas Unemployment Compensation Act service in the employ of a political subdivision or of an instrumentality of a political subdivision that is wholly owned by one or more political subdivisions if the service is as an election official or worker and the remuneration received by the individual during the calendar year is less than \$1,000.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 983 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 201.063(a), Labor Code, is amended to read as follows:

(a) In this subtitle, "employment" does not include:

(1) service in the employ of a political subdivision or of an instrumentality of a political subdivision that is wholly owned by one or more political subdivisions:

(A) as an elected official;

(B) as a member of a legislative body;

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 201.063(a), Labor Code, is amended to read as follows:

(a) In this subtitle, "employment" does not include:

(1) service in the employ of a political subdivision or of an instrumentality of a political subdivision that is wholly owned by one or more political subdivisions:

(A) as an elected official;

(B) as a member of a legislative body;

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- (C) as a member of the judiciary;
 - (D) as a temporary employee in case of fire, storm, snow, earthquake, flood, or similar emergency; [ø#]
 - (E) in a position that is designated under law as a major nontenured policy-making or advisory position or a policy-making or advisory position that ordinarily does not require more than eight hours of service each week; or
 - (F) as a temporary election worker, officer, or official in conducting an election in the political subdivision;
- (2) service in the employ of a foreign government, including service as a consular or other officer or employee or as a nondiplomatic representative;
 - (3) service in the employ of an instrumentality wholly owned by a foreign government if:
 - (A) the service is similar to service performed in a foreign country by an employee of the United States government or an instrumentality of that government; and
 - (B) the United States secretary of state has certified to the United States secretary of the treasury that the foreign government grants an equivalent exemption for similar services performed in the foreign country by an employee of the United States government or an instrumentality of the United States government;
 - (4) service in the employ of the United States government or an instrumentality of the United States exempt under the United States Constitution from the contributions imposed by this subtitle; or
 - (5) service described by Subdivisions (1)-(3) performed in the employ of an Indian tribe.

SECTION 2. The change in law made by this Act applies only to a claim for unemployment compensation benefits that is 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.

SECTION 3. This Act takes effect

- (C) as a member of the judiciary;
 - (D) as a temporary employee in case of fire, storm, snow, earthquake, flood, or similar emergency; [ø#]
 - (E) in a position that is designated under law as a major nontenured policy-making or advisory position or a policy-making or advisory position that ordinarily does not require more than eight hours of service each week; or
 - (F) as an election official or worker if the remuneration received by the individual during the calendar year is less than \$1,000;
- (2) service in the employ of a foreign government, including service as a consular or other officer or employee or as a nondiplomatic representative;
 - (3) service in the employ of an instrumentality wholly owned by a foreign government if:
 - (A) the service is similar to service performed in a foreign country by an employee of the United States government or an instrumentality of that government; and
 - (B) the United States secretary of state has certified to the United States secretary of the treasury that the foreign government grants an equivalent exemption for similar services performed in the foreign country by an employee of the United States government or an instrumentality of the United States government;
 - (4) service in the employ of the United States government or an instrumentality of the United States exempt under the United States Constitution from the contributions imposed by this subtitle; or
 - (5) service described by Subdivisions (1)-(3) performed in the employ of an Indian tribe.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

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