

By: Smith

H.B. No. 2141

A BILL TO BE ENTITLED

AN ACT

relating to the imposition and collection of a penalty for fraudulently obtaining unemployment compensation benefits.

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

SECTION 1. Section 203.201(b), Labor Code, is amended to read as follows:

(b) The special administration fund consists of:

(1) all interest and penalties collected under this subtitle, other than a penalty assessed under Section 214.003(a)(2);

(2) any amounts received under any surety bond for losses sustained by the special administration fund; and

(3) money transferred under Section 203.103.

SECTION 2. The heading to Section 214.003, Labor Code, is amended to read as follows:

Sec. 214.003. FORFEITURE OR CANCELLATION OF BENEFITS PAID AND REMAINING BENEFITS; PENALTY.

SECTION 3. Section 214.003, Labor Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) If, by wilful nondisclosure or misrepresentation of a material fact, whether the nondisclosure or misrepresentation is made by the person or for the person by another, a person receives a benefit when a condition imposed by this subtitle for the person's

1 qualifying for the benefit is not fulfilled or the person is
2 disqualified from receiving the benefit:

3 (1) [~~7~~] the person forfeits the:

4 (A) [~~(1)~~] benefit received; and

5 (B) [~~(2)~~] rights to benefits that remain in the
6 benefit year in which the nondisclosure or misrepresentation
7 occurred; and

8 (2) the commission shall require the person to pay a
9 penalty in an amount equal to 15 percent of the amount of the
10 benefits paid to the person as a result of the nondisclosure or
11 misrepresentation.

12 (c) A forfeiture, [~~or~~] cancellation, or penalty imposed
13 under this section is effective only after the person has been
14 afforded an opportunity for a fair hearing before the commission or
15 its duly designated representative.

16 (d) A person who is assessed a penalty by the commission
17 under Subsection (a)(2) is liable for the amount of the penalty.
18 The commission may collect the penalty in the same manner as
19 provided by Sections 213.031, 213.032, 213.033, 213.035, and
20 213.051 for the collection of past-due contributions. The
21 commission shall deposit a penalty assessed under Subsection (a)(2)
22 in the unemployment compensation fund established under Section
23 203.021.

24 SECTION 4. Section 214.003, Labor Code, as amended by this
25 Act, applies only to a final determination that a person received a
26 benefit due to a nondisclosure or misrepresentation made by the
27 Texas Workforce Commission or the commission's duly designated

1 representative on or after October 21, 2013. A final determination
2 made before October 21, 2013, is governed by the law in effect
3 immediately before the effective date of this Act, and the former
4 law is continued in effect for that purpose.

5 SECTION 5. This Act takes effect September 1, 2013.