

By: King of Parker

H.B. No. 1312

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of a landman for unemployment compensation.

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

SECTION 1. Section 201.077, Labor Code, is amended to read as follows:

Sec. 201.077. SERVICE BY LANDMAN. In this subtitle, "employment" does not include service performed for a private for-profit person by ~~[an individual as]~~ a landman, as defined by Section 1702.324, Occupations Code, if:

(1) the compensation paid to the landman ~~[individual is engaged primarily in negotiating for the acquisition or divestiture of mineral rights or negotiating business agreements that provide for the exploration for or development of minerals,~~

~~[(2) substantially all remuneration, paid in cash or otherwise, for the performance of the service is]~~ directly relates only to the performance of the service ~~[related to the completion by the individual of the specific, contracted-for tasks, rather than to the number of hours worked by the individual]~~; and

(2) [(3)] the service performed by the landman ~~[individual]~~ is performed under a written contract between the landman ~~[individual]~~ and the person for whom the service is performed that provides that the landman ~~[individual]~~ is to be treated as an independent contractor and not as an employee with

1 respect to the service provided under the contract.

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

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2015.