

By: Birdwell

S.B. No. 1516

A BILL TO BE ENTITLED

1 AN ACT
2 relating to liability for obtaining improper unemployment
3 compensation benefits.

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

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

7 Sec. 214.002. LIABILITY FOR [~~IMPROPERLY~~] OBTAINING
8 IMPROPER BENEFITS.

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

12 (a-1) Notwithstanding any other provision of this section,
13 if the commission fails to notify the person of the improper benefit
14 described by Subsection (b)(2) on or before the 120th day after the
15 date the person obtains the benefit, the benefit is not:

16 (1) considered an improper benefit; and

17 (2) recoverable by the commission.

18 (b) In this section, "improper benefit" means:

19 (1) the benefit obtained by a person:

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

24 (B) [~~(2)~~] while:

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

4 (ii) [~~(B)~~] the person was disqualified from
5 receiving benefits; or

6 (2) the benefit obtained by a person because of
7 commission error.

8 SECTION 3. Section [214.002](#), Labor Code, as amended by this
9 Act, applies only to a claim for unemployment compensation benefits
10 filed with the Texas Workforce Commission on or after the effective
11 date of this Act. A claim filed before the effective date of this
12 Act is governed by the law in effect on the date the claim was filed,
13 and the former law is continued in effect for that purpose.

14 SECTION 4. This Act takes effect September 1, 2019.