

By: Vo

H.B. No. 2458

Substitute the following for H.B. No. 2458:

By: Hinojosa

C.S.H.B. No. 2458

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to claimant eligibility and initial claims under the  
3 unemployment compensation system.

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

5 SECTION 1. Section 207.021(a), Labor Code, is amended to  
6 read as follows:

7 (a) Except as provided by Chapter 215, an unemployed  
8 individual is eligible to receive benefits for a benefit period if  
9 the individual:

10 (1) has registered for work at an employment office  
11 and has continued to report to the employment office as required by  
12 rules adopted by the commission;

13 (2) has made a claim for benefits under Section  
14 208.001;

15 (3) is able to work;

16 (4) is available for work;

17 (5) is actively seeking work in accordance with rules  
18 adopted by the commission;

19 (6) for the individual's base period, has benefit wage  
20 credits:

21 (A) in at least two calendar quarters; and

22 (B) in an amount not less than 37 times the  
23 individual's benefit amount;

24 (7) after the beginning date of the individual's most

1 recent prior benefit year, if applicable, earned wages in an amount  
2 equal to not less than six times the individual's benefit amount;

3 (8) has been totally or partially unemployed for a  
4 waiting period of at least seven consecutive days; ~~and~~

5 (9) participates in reemployment services, such as a  
6 job search assistance service, if the individual has been  
7 determined, according to a profiling system established by the  
8 commission, to be likely to exhaust eligibility for regular  
9 benefits and to need those services to obtain new employment,  
10 unless:

11 (A) the individual has completed participation  
12 in such a service; or

13 (B) there is reasonable cause, as determined by  
14 the commission, for the individual's failure to participate in  
15 those services; and

16 (10) has satisfied any outstanding obligation in  
17 relation to benefits forfeited by the individual under Section  
18 214.003, including the amount of any penalty assessed against the  
19 individual under that section, but only if the benefit period for  
20 which the individual is seeking benefits is not in the same benefit  
21 year in which the nondisclosure or misrepresentation of a material  
22 fact occurred.

23 SECTION 2. Section 208.002(a), Labor Code, is amended to  
24 read as follows:

25 (a) When used in connection with an initial claim, "last  
26 work" and "person for whom the claimant last worked" refer to [+

27 [~~(1) the last person for whom the claimant actually~~

1 ~~worked, if the claimant worked for that person for at least 30 hours~~  
2 ~~during a week, or~~

3           ~~[(2)]~~ the employer, as defined by Subchapter C,  
4 Chapter 201, ~~[or by the unemployment law of any other state,]~~ for  
5 whom the claimant last worked.

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

12           SECTION 4. This Act takes effect September 1, 2023.