

BILL ANALYSIS

Senate Research Center
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S.B. 393
By: Jackson
Economic Development
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As Filed

DIGEST

Currently, under Texas law, the Texas Workforce Commission does not have the authority to collect overpayments that were made due to agency error. This bill requires the refund of certain overpaid unemployment compensation benefits by the recipients of those benefits.

PURPOSE

As proposed, S.B. 393 requires the refund of certain overpaid unemployment compensation benefits by the recipients of those benefits.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Workforce Commission in SECTION 2 (Section 207.131(b), Labor Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 207.001, Labor Code, to provide that a claimant is not entitled to retain any benefits paid to that claimant that exceed the amount of benefits authorized by this subtitle, except as provided by Section 210.003. Makes a conforming change.

SECTION 2. Amends Chapter 207, Labor Code, by adding Subchapter H, as follows:

SUBCHAPTER H. EFFECT OF ERRONEOUS OVERPAYMENT OF BENEFITS

Sec. 207.131. NO ENTITLEMENT TO OVERPAID BENEFITS. Establishes that a claimant who receives an overpayment of benefits is not entitled to retain the amount overpaid, except as provided by Section 210.003. Requires the claimant to refund the amount overpaid to the compensation fund in a certain manner. Grants rulemaking authority to the Texas Workforce Commission (TWC) to allow a repayment to be made in periodic payments. Requires TWC to deduct against a claimant's future benefits under this subtitle any overpayment of benefits the claimant is unable to refund. Establishes that an overpayment is collectible in the manner provided by Section 212.006(b) for recovery of benefits after a final decision made under Chapter 212. Provides that a claimant who disputes the designation of any benefits as overpaid benefits is entitled to a hearing as prescribed in Chapter 212 for a disputed claim.

SECTION 3. Amends the heading to Section 211.004, Labor Code, as follows:

Sec. 211.004. New heading: OFFSET UNDER CERTAIN RECIPROCAL ARRANGEMENTS FOR OVERPAYMENT OF UNEMPLOYMENT BENEFITS.

SECTION 4. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 5. Emergency clause.