

BILL ANALYSIS

Senate Research Center

H.B. 1094
By: Geren et al. (Elife)
Business & Commerce
5/17/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Workers' Compensation Act entitles eligible spouses to receive death benefits for life or until remarriage, at which point the spouse is entitled to continue to receive 104 weeks of death benefits. Interested parties contend that a survivor of a first responder who paid the ultimate sacrifice in the line of duty should not be penalized for remarrying. H.B. 1094 seeks to amend the act to address this concern.

H.B. 1094 amends current law relating to certain death benefits for survivors of certain law enforcement officers, firefighters, and others killed in the line of duty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 615.022, Government Code, as follows:

Sec. 615.022. PAYMENT TO SURVIVORS. (a) Requires the state, if there is an eligible surviving spouse, to pay \$500,000, rather than \$250,000, to the eligible surviving spouse.

(b) Requires the state, if there is no eligible surviving spouse, to pay \$500,000, rather than \$250,000, in equal shares to surviving children.

(c) Requires the state, if there is no eligible surviving spouse or child, to pay \$500,000, rather than \$250,000, in equal shares to surviving parents.

SECTION 2. Amends Sections 615.023(a) and (b), Government Code, as follows:

(a) Requires the state to pay to the duly appointed or qualified guardian or other legal representative of an eligible surviving minor child:

(1) \$400 each month, rather than \$200 each month, if there is one surviving child;

(2) \$600 each month, rather than \$300 each month, if there are two surviving children; or

(3) \$800, each month, rather than \$400 each month, if there are three or more surviving children.

(b) Provides that a child's entitlement to assistance payable under this section ends on the last day of the month that includes the child's 18th birthday.

SECTION 3. Amends Section 408.183, Labor Code, by adding Subsection (b-1), as follows:

(b-1) Provides that, notwithstanding Subsection (b) (providing that an eligible spouse is entitled to receive death benefits for life or until remarriage), an eligible spouse who remarried is eligible for death benefits for life if the employee was a first responder, as defined by Section 504.055 (Expedited Provision of Medical Benefits for Certain Injuries Sustained by First Responder in Course and Scope of Employment), who suffered death in the course and scope of employment or while providing services as a volunteer.

SECTION 4. Provides that the changes in law made by this Act to Sections 615.022 and 615.023 (Payment to Surviving Minor Child), Government Code, apply in relation to a payment of assistance made to survivors of certain public servants on or after the effective date of this Act regardless of the date the death of the public servant occurs.

SECTION 5. Provides that the change in law made by this Act to Section 408.183 (Duration of Death Benefits), Labor Code, applies only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2015.