

BILL ANALYSIS

C.S.H.B. 3823
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under the current workers' compensation system, a death benefit is paid to certain eligible family members of the deceased worker. Non-dependent parents are not currently eligible to receive the death benefit. C.S.H.B. 3823 would permit certain non-dependent parents to receive a time-limited death benefit.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3823 amends provisions of the Labor Code relating to the distribution and duration of workers' compensation death benefits based on a compensable injury. The bill provides that if there is no eligible spouse, child, or grandchild, and there are no surviving dependents of the deceased employee who are parents, siblings, or grandparents of the deceased, the death benefits are required to be paid in a specified manner to certain surviving eligible parents of the deceased. The bill provides that an eligible parent who is not a surviving dependent of the deceased employee is entitled to receive death benefits until the earlier of (1) the date the eligible parent dies; or (2) the date of the expiration of 104 weeks of death benefit payments. The bill defines the term "eligible parent."

C.S.H.B. 3823 limits the payment of death benefits available to eligible persons to one per household. The bill establishes criteria for filing a claim for benefits with the division of workers' compensation, and authorizes the commissioner of workers' compensation certain discretion to approve a filing extension beyond the established criteria.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by limiting the payment of death benefits available to eligible persons to one per household. The substitute establishes criteria for filing a claim for benefits with the division of workers' compensation, and authorizes the commissioner of workers' compensation certain discretion to approve a filing extension beyond the established criteria. The substitute clarifies which eligible parents would receive the death benefits.