

BILL ANALYSIS

C.S.S.B. 194
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Economic Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, parents of a terminally ill child are provided unemployment insurance benefits as long as they show evidence that there is no reasonable alternative care except for leaving their employment to care for the child. There is no existing provision permitting an individual to be eligible for unemployment benefits to care for a terminally ill spouse. This legislation would authorize unemployment benefits for spouses who can provide qualifying evidence, such as a physician's statement or medical documentation, that there is no availability of reasonable, alternative care for a terminally ill spouse. In addition, this bill includes a chargeback provision to prevent an increase in the tax rate paid by employers to the state's Unemployment Insurance Trust Fund.

C.S.S.B. 194 would allow an employee with a terminally ill spouse, who leaves the employee's workplace to care for a terminally ill spouse because no reasonable, alternative care was available, to receive unemployment insurance.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Reenacts and amends Section 204.022(a), Labor Code, as amended by Chapters 39, 493, and 728, Acts of the 79th Legislature, Regular Session, 2005, as follows:

- (a) Prohibits benefits computed on benefit wage credits of an employee or former employee from being charged to the account of an employer if the employee's last separation from the employer's employment prior to the employee's benefit year resulted from the employee leaving the employee's workplace to care for the employee's terminally ill spouse as evidenced by a physician's statement or other medical documentation, but only if no reasonable, alternative care was available. Makes a nonsubstantive change.

SECTION 2. Amends Section 207.046(a), Labor Code, as follows:

- (a) Provides that an individual is not disqualified for benefits computed on benefit wage credits if the individual leaves the workplace to care for the individual's terminally ill spouse as evidenced by a physician's statement or other medical documentation, but only if no reasonable, alternative care was available. Makes conforming changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Provides that, to the extent of any conflict, this Act prevails over another Act of the 80th Legislature, Regular Session, 2007, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5. States the effective date for this Act.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

Under the original bill, an individual who must leave their employment to care for a terminally ill spouse or parent is permitted to receive unemployment insurance benefits as long as they show evidence that there is no reasonable, alternative care. The substitute amends applicable language to limit the bill only to an employee who must leave their employment to care for a terminally ill spouse.