

BILL ANALYSIS

Senate Research Center

H.B. 1058
By: Solomons (Lucio)
State Affairs
5/8/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 80th Legislature, Regular Session, 2007, the list of recipients eligible for workers' compensation death benefits was extended to eligible parents of deceased workers. The definition of eligible parent included language that inadvertently made the receipt of death benefits contingent upon the receipt of burial benefits. The change also required that in order for any claim to be accepted after the first anniversary of the worker's death, an eligible parent must submit proof of a "compelling reason for the delay."

H.B. 1058 clarifies the definition of eligible parent by removing the reference to burial benefits. The standard for a filing extension is also changed from "compelling reason" to "good cause."

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 Sections 408.182(d-1), (d-2), and (f), Labor Code, as follows:

(d-1) Prohibits total payments under this section from exceeding 104 weeks regardless of the number of surviving eligible parents. Makes nonsubstantive changes.

(d-2) Provides that failure to file a claim in the time required bars the claim unless good cause exists for the failure to file a claim under this section. Deletes existing text authorizing the commissioner of workers' compensation to extend the time for filing a claim under this subsection only if the eligible parent submits proof satisfactory to the commissioner of a compelling reason for the delay.

(f) Redefines "eligible parent." Deletes existing text relating to a person who receives burial benefits under Section 408.186 (Burial Benefits).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.