

BILL ANALYSIS

H.B. 1058
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Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes a non-dependent parent to be eligible to receive workers' compensation death benefits if there are no eligible dependent beneficiaries. However, the standard for an eligible non-dependent parent appealing a failure to timely file a claim for workers' compensation death benefits with the commissioner of workers' compensation contains a caveat that the non-dependent parent must receive burial benefits in order to be eligible to receive death benefits. This caveat does not exist for eligible dependent beneficiaries.

H.B. 1058 eliminates this caveat by removing language that limits the term "eligible parent" to a parent who receives burial benefits. The bill amends provisions relating to the filing deadline for a death benefits claim.

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

H.B. 1058 amends Labor Code provisions relating to the receipt of death benefits for a workers' compensation claim by an injured employee's eligible parent to remove language that limits the term "eligible parent" to a parent who receives workers' compensation burial benefits. The bill bars a claim for death benefits from an injured employee's eligible parent if the parent fails to file the claim before the first anniversary of the date of the injured employee's death from a compensable injury, unless good cause exists for the failure to file the claim. The bill removes a provision authorizing the commissioner of workers' compensation to extend the time for filing a claim only if the eligible parent submits satisfactory proof to the commissioner of a compelling reason for the delay.

EFFECTIVE DATE

September 1, 2009.