

BILL ANALYSIS

C.S.H.B. 3495
By: Coleman
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the spouse and children of a peace officer who is killed in the line of duty are entitled to receive death benefits. However, these benefits are cut off from both the spouse and children if the surviving spouse remarries. Interested parties contend that statistically the subsequent marriage of a spouse of a fallen officer has a higher than average chance for failure because of the unique stresses brought on by the circumstances of the former spouse's death. If that remarriage ends as a result of death or divorce, the surviving spouse and children are unable to regain the original benefits.

C.S.H.B. 3495 extends benefits to the surviving spouse and children of a fallen peace officer if that surviving spouse's remarriage ends in divorce or the death of a spouse.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of workers' compensation in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3495 amends the Labor Code to make the surviving spouse of a deceased employee who remarried after the employee's death eligible for death benefits if the deceased employee was a sheriff, sheriff's deputy, or reserve deputy who held a permanent peace officer license and was killed in the line of duty and the spouse's remarriage ended as a result of divorce or death. The bill establishes that death benefits for such an eligible spouse begin on the day after the date the remarriage ended and continue for life or until a subsequent remarriage. The bill provides that the eligible spouse, on subsequent remarriage, is entitled to receive 104 weeks of death benefits, commuted as provided by rule of the commissioner of workers' compensation. The bill requires such a spouse's benefits to be resumed and the benefits payable to any other legal beneficiaries to be adjusted accordingly if the spouse becomes eligible for benefits on the end of the spouse's remarriage. The bill authorizes an insurance carrier to request reimbursement from the subsequent injury fund for amounts paid to a spouse if, after the insurance carrier pays an amount to the subsequent injury fund, the spouse becomes eligible for benefits under the bill's provisions. The bill prohibits the total reimbursement to the insurance carrier from exceeding the total amount the insurance carrier paid to the subsequent injury fund for that claim.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3495 differs from the original by making a remarried surviving spouse of an employee who was killed in the line of duty eligible for death benefits on the termination of the subsequent marriage if the deceased employee was a sheriff, sheriff's deputy, or reserve deputy who held a

permanent peace officer license under Occupation Code provisions relating to the education, training, and other qualifications for licensing as an officer, whereas the original makes the remarried surviving spouse eligible if the employee was a peace officer under Code of Criminal Procedure provisions listing categories of public safety personnel who are peace officers.