

By: Meza

H.B. No. 1305

A BILL TO BE ENTITLED

AN ACT

relating to a cost-of-living increase applicable to death benefits paid under the workers' compensation system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 408.181, Labor Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Subject to Section 408.061, the amount of a death benefit is equal to 75 percent of the employee's average weekly wage. Notwithstanding Section 408.061, the amount of a death benefit is adjusted in accordance with Subsection (b-1) each calendar year as necessary to reflect inflation.

(b-1) Not later than November 1 of each year, the commissioner shall set the rate of the adjustment described by Subsection (b) for the next calendar year to equal the percentage increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) most recently published by the Bureau of Labor Statistics of the United States Department of Labor and used by the United States Social Security Administration to provide a cost-of-living adjustment for social security benefit payments payable beginning in January of the next year. Not later than January 1 of each year, an insurance carrier shall recompute the amount of a death benefit to be paid under this section by applying the adjustment computed by the commissioner under this subsection

1 to the amount otherwise required to be paid under Subsection (b).

2           SECTION 2. The change in law made by this Act applies only  
3 to a claim for workers' compensation benefits based on a  
4 compensable injury that occurs on or after the effective date of  
5 this Act. A claim based on a compensable injury that occurs before  
6 the effective date of this Act is governed by the law in effect on  
7 the date the compensable injury occurred, and the former law is  
8 continued in effect for that purpose.

9           SECTION 3. This Act takes effect September 1, 2019.