

BILL ANALYSIS

Senate Research Center
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H.B. 2119
By: Kacal (West)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2119 amends current state law regarding benefits paid to the surviving spouse of an officer or first responder or volunteer who was killed in the line of duty. Specifically, H.B. 2119 would uniformly extend the benefits first extended for surviving spouses by H.B. 1094, which was approved by the Texas Legislature in 2015.

Under H.B. 1094, the surviving spouse of a first responder, or a volunteer who died while performing the duties of the occupation, would be eligible to receive death benefits paid through Texas' worker's compensation system for life, regardless of whether the spouse chose to remarry. Prior to H.B. 1094, a surviving spouse would no longer receive benefits if they remarried. However, the bill was not retroactive, meaning that surviving spouses whose loved ones paid the ultimate price prior to the September 1, 2015, effective date would not be eligible.

H.B. 2119's author makes the case that the sacrifices made by first responders and their families that were recognized by the legislature under H.B. 1094, should apply equally and be made available to all surviving spouses and should not be limited to when such an event occurred.

H.B. 2119 would ensure that the benefits received by the surviving spouse of a first responder or volunteer who died in the line of duty will continue, even if in the future, they choose to remarry. It is noted by the bill's author that the number of persons who now receive this benefit does not increase due to H.B. 2119. If a surviving spouse who now receives benefits chooses to remarry, their benefit will not be terminated.

Interested parties contend that eligible remarried surviving spouses of first responders killed in the line of duty should be eligible to receive death benefits for life under the workers' compensation system, regardless of when the death occurred. H.B. 2119 provides for such eligibility.

H.B. 2119 amends current law relating to workers' compensation death benefit eligibility for certain spouses of first responders killed in the line of duty.

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 Section 408.183(b-1), Labor Code, to provide that this subsection applies regardless of the date on which the death of the first responder occurred.

SECTION 2. Repealer: Section 2 (relating to change in law applying to claims for worker's compensation benefits based on a compensable injury), Chapter 1018 (H.B. 1094), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2017.