

SUBJECT: Extending death benefits beyond remarriage for spouse of a peace officer

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 8 ayes — Martinez Fischer, Darby, Beckley, Collier, Moody, Parker, Patterson, Shine

0 nays

1 absent — Landgraf

WITNESSES: For — (*Registered, but did not testify:* Chris Jones, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; David Sinclair, Game Warden Peace Officers Association; Ray Hunt, Houston Police Officers Union; Cheri Siegelin, Texas Correctional Employees-Huntsville; Jill Meyer, Texas Correctional Employees-Amarillo; Julie Acevedo, Texas Fire Chiefs Association; Dick Brock, Texas Municipal Police Association; Mario Martinez, Texas State Troopers Association; Anthony Kivela)

Against — None

On — Amy Lee, Texas Department of Insurance, Division of Workers' Compensation

BACKGROUND: Labor Code sec. 408.183 establishes that entitlement to death benefits under the workers' compensation system begins on the day after an employee's death. An eligible spouse can receive death benefits for life or until remarriage. On remarriage, an eligible spouse is entitled to receive 104 weeks of benefits, paid out in lump sum as provided by rule.

Notwithstanding the above, the spouse of an employee who died in the course and scope of employment as a first responder or while providing services as a volunteer first responder is eligible to receive death benefits for life, even after remarriage. This applies to the spouse of a peace officer employed by a political subdivision of the state, a licensed paramedic, an

emergency care attendant, a firefighter, volunteer firefighter, an emergency medical services volunteer, and certain other emergency medical responders.

It has been noted that the same continuation of benefits does not apply to the spouse of a member of law enforcement employed by the state or by a private institution of higher education who remarries.

DIGEST:

CSHB 2503 would extend lifetime workers' compensation death benefits to the spouse of an individual who died in the course and scope of employment as a peace officer of the state or while employed as a peace officer by a private institution of higher education in Texas, including a private junior college, regardless of whether the spouse remarried.

The bill would take effect September 1, 2019, and would apply only to an eligible spouse who remarried on or after the effective date of the bill.