

## **BILL ANALYSIS**

Senate Research Center  
81R1912 ALB-F

S.B. 442  
By: Lucio  
State Affairs  
4/18/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

During the 80th Legislature, the list of recipients eligible for workers' compensation death benefits was extended to eligible parents of deceased workers. The definition of eligible parent included language that inadvertently made the receipt of death benefits contingent upon the receipt of burial benefits. The change also required that in order for any claim to be accepted after the first anniversary of the worker's death, an eligible parent must submit proof of a "compelling reason for that delay."

As proposed, S.B. 442 seeks to clarify the definition of eligible parent by removing the reference to burial benefits. The standard for a filing extension is also changed from "compelling reason" to "good cause."

### **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 Sections 408.182(d-2) and (f), Labor Code, as follows:

(d-2) Provides that failure to file a claim in the time required bars the claim unless good cause exists for the failure to file a claim under this section. Deletes existing text authorizing the commissioner of workers' compensation to extend the time for filing a claim under this subsection only if the eligible parent submits proof satisfactory to the commissioner of a compelling reason for the delay.

(f) Redefines "eligible parent." Deletes existing text relating to a person who receives burial benefits under Section 408.186 (Burial Benefits).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.