

1-1 By: Hefner, et al. (Senate Sponsor - Flores, Lucio) H.B. No. 872
1-2 (In the Senate - Received from the House April 23, 2019;
1-3 April 29, 2019, read first time and referred to Committee on State
1-4 Affairs; May 13, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 13, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Fallon	X		
1-14	Hall	X		
1-15	Lucio	X		
1-16	Nelson	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 872 By: Huffman

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to financial assistance paid to the survivors of certain
1-22 law enforcement officers and other public employees killed in the
1-23 line of duty.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 615.041, Government Code, is amended to
1-26 read as follows:

1-27 Sec. 615.041. CONSIDERATION AND DETERMINATION [PROOF] OF
1-28 CLAIM; COMPELLED COMPLIANCE. (a) Not later than the 30th day [As
1-29 soon as practicable] after the date of the death of an individual
1-30 listed under Section 615.003 that occurs in the performance of
1-31 duties in the individual's position as described by Section 615.003
1-32 or as a result of an action that occurs while the individual is
1-33 performing those duties [is claimed to meet the requirements of
1-34 Section 615.021(1)], the individual's employing entity shall
1-35 furnish to the board of trustees of the Employees Retirement System
1-36 of Texas proof of the death in the form and with additional evidence
1-37 and information required by the board. The employing entity shall
1-38 furnish the evidence and information required under this subsection
1-39 regardless of whether the employing entity believes the
1-40 individual's death satisfies the eligibility requirements
1-41 established under Section 615.021(a)(1).

1-42 (b) The board of trustees shall consider the proof,
1-43 evidence, and information provided under Subsection (a), and any
1-44 additional information required by the rules adopted in accordance
1-45 with Section 615.002, to determine whether the individual's death
1-46 satisfies the eligibility requirements established under Section
1-47 615.021(a)(1) and justifies the payment of assistance to the
1-48 individual's eligible survivors under this chapter.

1-49 (c) If the individual's employing entity fails to comply
1-50 with Subsection (a), the attorney general may use any means
1-51 authorized by law, including filing suit for a writ of mandamus
1-52 against the employer, to compel the employer's compliance with this
1-53 section.

1-54 SECTION 2. Section 615.121(a), Government Code, is amended
1-55 to read as follows:

1-56 (a) The state shall pay the following benefits to an
1-57 eligible surviving spouse of a peace officer, a jailer, a county
1-58 jailer or guard, or an employee of the Texas Department of Criminal
1-59 Justice, as described by Section 615.003(1), (4), [or] (6), or (7),
1-60 who was killed in the line of duty and who had not qualified for an

2-1 annuity under an employees' retirement plan:
 2-2 (1) funeral expenses related to the deceased person
 2-3 ~~[officer or employee]~~; and
 2-4 (2) monthly payments that equal the greater of:
 2-5 (A) the monthly annuity payment the deceased
 2-6 person ~~[officer or employee]~~ would have received if the deceased
 2-7 person ~~[officer or employee]~~ had survived, had retired on the last
 2-8 day of the month in which the person ~~[officer or employee]~~ died, and
 2-9 had been eligible to receive an annuity under an employees'
 2-10 retirement plan; or
 2-11 (B) the minimum monthly annuity payment the
 2-12 deceased person ~~[officer or employee]~~ would have received if the
 2-13 person ~~[officer or employee]~~ had been employed by the state for 10
 2-14 years, had been paid a salary at the lowest amount provided by the
 2-15 General Appropriations Act for a position of peace officer, jailer,
 2-16 county jailer or guard, or employee of the Texas Department of
 2-17 Criminal Justice, as described by Section 615.003(1), (4), ~~[or]~~
 2-18 (6), or (7), and had been eligible to retire under the Employees
 2-19 Retirement System of Texas.
 2-20 SECTION 3. Section 615.041, Government Code, as amended by
 2-21 this Act, applies to the payment of assistance in connection with a
 2-22 death that occurs on or after the effective date of this Act. The
 2-23 payment of assistance in connection with a death that occurs before
 2-24 the effective date of this Act is governed by the law in effect
 2-25 immediately before the effective date of this Act, and that law is
 2-26 continued in effect for that purpose.
 2-27 SECTION 4. Section 615.121(a), Government Code, as amended
 2-28 by this Act, applies to a payment of assistance to survivors of
 2-29 certain law enforcement officers and employees on or after the
 2-30 effective date of this Act regardless of the date the officer or
 2-31 employee died.
 2-32 SECTION 5. This Act takes effect September 1, 2019.

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