

By: Bucy, Howard, Capriglione

H.B. No. 2802

A BILL TO BE ENTITLED

AN ACT

relating to the administration of, contributions to, and benefits under retirement systems for firefighters in certain municipalities.

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

SECTION 1. The heading to Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

Art. 6243e.1. FIREFIGHTERS RELIEF AND RETIREMENT FUND IN CITIES OF 950,000 [~~450,000~~] TO 1,050,000 [~~500,000~~].

SECTION 2. Section 1.02, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended by amending Subdivisions (1), (2), (3), and (4) and adding Subdivisions (1-a), (2-a), (2-b), (2-c), (2-d), (2-e), (5-a), (5-b), (5-c), (6-a), (6-b), (6-c), (6-d), (6-e), (8-a), (9-a), (9-b), (9-c), (9-d), (10-a), (10-b), (10-c), (10-d), (10-e), (10-f), (11-a), (11-b), (11-c), (11-d), (11-e), (11-f), (11-g), (13-a), and (13-b) to read as follows:

(1) "Accumulated contributions" means all sums of money, including interest, if applicable, credited to [~~in~~] the individual account of a member or former firefighter, as shown on the books and records of the fund.

(1-a) "Actuarial accrued liability" means the portion of the actuarial present value of projected benefits of the fund

attributed to past periods of member service based on the cost method used in the risk sharing valuation study prepared under Section 10.05 or 10.06 of this Act, as applicable.

(2) "Actuarial equivalent" means a benefit that, at the time that it begins being paid, has the same present value as the benefit it replaces, based on the recommendations of the board's actuary.

(2-a) "Actuarial value of assets" means the value of the fund's assets as calculated using the asset smoothing method used in the risk sharing valuation study prepared under Section 10.05 or 10.06 of this Act, as applicable.

(2-b) "Adjustment factor" means the assumed rate of return for the fund adopted by the board less two percentage points.

(2-c) "Amortization period" means:

(A) the period necessary to fully pay a liability layer; or

(B) if referring to the amortization period of the fund as a whole, the number of years incorporated in a weighted average amortization factor for the sum of the legacy liability and all liability layers as determined in each annual actuarial valuation of assets and liabilities of the fund.

(2-d) "Amortization rate" means, for a given calendar year, the percentage rate determined by:

(A) adding the scheduled amortization payments required to pay off the then-existing liability layers;

(B) subtracting the municipal legacy contribution amount for the same calendar year, as determined in

1 the risk sharing valuation study prepared under Section 10.05 or  
2 10.06 of this Act, as applicable, from the sum under Paragraph (A)  
3 of this subdivision; and

4 (C) dividing the amount determined under  
5 Paragraph (B) of this subdivision by the projected pensionable  
6 payroll for the same calendar year.

7 (2-e) "Annual investment return" means the annual  
8 money-weighted rate of return, net of investment expenses, reported  
9 by the fund in the annual report for a given calendar year.

10 (3) "Board of trustees" or "board" means the board of  
11 ~~[firefighters relief and retirement fund]~~ trustees of the fund  
12 under ~~[existing pursuant to]~~ this Act, unless the context requires  
13 otherwise.

14 (4) "Board's actuary" means the actuary engaged by the  
15 fund ~~[employed]~~ under Section 12.03 of this Act.

16 (5-a) "Corridor" means the range of municipal  
17 contribution rates that are:

18 (A) equal to or greater than the minimum  
19 municipal contribution rate; and

20 (B) equal to or less than the maximum municipal  
21 contribution rate.

22 (5-b) "Corridor margin" means five percentage points.

23 (5-c) "Corridor midpoint" means the projected  
24 municipal contribution rate specified for each calendar year for 30  
25 years as provided by the initial risk sharing valuation study under  
26 Section 10.05 of this Act, rounded to the nearest hundredths  
27 decimal place.

1           (6-a) "DROP" means the deferred retirement option plan  
2 under Article 8 of this Act.

3           (6-b) "DROP participant" means a member who is  
4 participating in the DROP.

5           (6-c) "DROP period" means the period between the  
6 effective date of a member's election to participate in DROP and the  
7 actual date of the member's retirement from the fire department,  
8 subject to the seven-year limitation prescribed by Section 8.02 of  
9 this Act.

10           (6-d) "Employer normal cost rate" means, for a given  
11 calendar year, the normal cost rate minus the applicable  
12 firefighter contribution rate determined under Section 10.011 of  
13 this Act.

14           (6-e) "Estimated municipal contribution rate" means,  
15 for a given calendar year, a municipal contribution rate equal to  
16 the sum of the municipal normal cost rate and the amortization rate  
17 of the liability layers, as applicable, excluding the legacy  
18 liability layer, and before adjustments to the rate under Section  
19 10.07 or 10.08 of this Act, as applicable.

20           (8-a) "Five-year investment return" means the average  
21 money-weighted rate of return of the fund, based on a rolling  
22 five-year basis and net of investment expenses, for the applicable  
23 five-year period.

24           (9-a) "Funded ratio" means the ratio of the actuarial  
25 value of assets divided by the actuarial accrued liability.

26           (9-b) "Group A member" means a member included in  
27 group A membership under Section 3.011 of this Act.

1           (9-c) "Group B cost-of-living adjustment percentage"  
2 means a percentage that:

3                   (A) except as provided by Paragraph (B) of this  
4 subdivision, is equal to the fund's five-year investment return  
5 minus the adjustment factor, and multiplied by 50 percent; and

6                   (B) may not be less than zero or more than two  
7 percent.

8           (9-d) "Group B member" means a member included in  
9 group B membership under Section 3.011 of this Act.

10           (10-a) "Legacy liability" means the unfunded  
11 actuarial accrued liability determined as of December 31, 2024, and  
12 for each subsequent calendar year, adjusted as follows:

13                   (A) reduced by the municipal legacy contribution  
14 amount for the calendar year allocated to the amortization of the  
15 legacy liability; and

16                   (B) adjusted by the assumed rate of return  
17 adopted by the board of trustees for the calendar year ending  
18 December 31, 2024.

19           (10-b) "Level percent of payroll method" means the  
20 amortization method that defines the amount of the liability layer  
21 recognized each calendar year as a level percent of pensionable  
22 payroll until the amount of the liability layer remaining is  
23 reduced to zero.

24           (10-c) "Liability gain layer" means a liability layer  
25 that decreases the unfunded actuarial accrued liability.

26           (10-d) "Liability layer" means:

27                   (A) the legacy liability established in the

1 initial risk sharing valuation study under Section 10.05 of this  
2 Act; or

3 (B) for calendar years after December 31, 2024,  
4 the amount that the fund's unfunded actuarial accrued liability  
5 increases or decreases, as applicable, due to the unanticipated  
6 change for the calendar year as determined in each subsequent risk  
7 sharing valuation study prepared under Section 10.06 of this Act.

8 (10-e) "Liability loss layer" means a liability layer  
9 that increases the unfunded actuarial accrued liability. For  
10 purposes of this Act, the legacy liability is a liability loss  
11 layer.

12 (10-f) "Maximum municipal contribution rate" means,  
13 for a given calendar year, the rate equal to the corridor midpoint  
14 plus the corridor margin.

15 (11-a) "Minimum municipal contribution rate" means,  
16 for a given calendar year, the rate equal to the corridor midpoint  
17 minus the corridor margin.

18 (11-b) "Municipal contribution rate" means, for a  
19 given calendar year, a percentage rate equal to the sum of the  
20 employer normal cost rate and the amortization rate, as adjusted  
21 under Section 10.07 or 10.08 of this Act, if applicable.

22 (11-c) "Municipal legacy contribution amount" means,  
23 for each calendar year, a predetermined payment amount expressed in  
24 dollars in accordance with a payment schedule amortizing the legacy  
25 liability for the calendar year ending December 31, 2024, that is  
26 included in the initial risk sharing valuation study under Section  
27 10.05 of this Act.

1           (11-d) "Normal cost rate" means, for a given calendar  
2 year, the salary weighted average of the individual normal cost  
3 rates determined for the current active member population, plus the  
4 assumed administrative expenses determined in the most recent  
5 actuarial experience study.

6           (11-e) "Payoff year" means the year a liability layer  
7 is fully amortized under the amortization period.

8           (11-f) "Pensionable payroll" means the compensation  
9 of all members in active service for a calendar year or pay period,  
10 as applicable.

11           (11-g) "Projected pensionable payroll" means the  
12 estimated pensionable payroll for the calendar year beginning 12  
13 months after the date of the risk sharing valuation study prepared  
14 under Section 10.05 or 10.06 of this Act, as applicable, at the time  
15 of calculation by:

16                   (A) projecting the prior calendar year's  
17 pensionable payroll forward two years using the current payroll  
18 growth rate assumption adopted by the board of trustees; and

19                   (B) adjusting, if necessary, for changes in  
20 population or other known factors, provided those factors would  
21 have a material impact on the calculation, as determined by the  
22 board of trustees.

23           (13-a) "Unanticipated change" means, with respect to  
24 the unfunded actuarial accrued liability in each subsequent risk  
25 sharing valuation study prepared under Section 10.06 of this Act,  
26 the difference between:

27                   (A) the remaining balance of all then-existing

liability layers as of the date of the risk sharing valuation study that were created before the date of the study; and

(B) the actual unfunded actuarial accrued liability as of the date of the risk sharing valuation study.

(13-b) "Unfunded actuarial accrued liability" means the difference between the actuarial accrued liability and the actuarial value of assets.

SECTION 3. Article 1, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#), Vernon's Texas Civil Statutes), is amended by adding Section 1.031 to read as follows:

Sec. 1.031. OPERATING NAME. The board of trustees may by rule adopt a name under which the fund may operate other than the name prescribed by Section 1.03 of this Act.

SECTION 4. Article 2, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#), Vernon's Texas Civil Statutes), is amended by adding Section 2.015 to read as follows:

Sec. 2.015. FUND QUALIFICATION. This Act shall be construed, and the fund shall be administered, in a manner that maintains the qualified status of the fund under Section 401(a) of the Internal Revenue Code.

SECTION 5. Section 2.02, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2.02. COMPOSITION OF BOARD. (a) The board of trustees is composed of:

1           (1) the mayor of the municipality or a member of the  
2 governing body of the municipality designated by the mayor;

3           (2) the chief financial officer of the municipality or  
4 a person designated by the chief financial officer [~~city treasurer~~  
5 ~~or, if there is no treasurer, the person who by law, charter~~  
6 ~~provision, or ordinance performs the duty of city treasurer~~]; [~~and~~]

7           (3) four [~~three~~] members of the fund to be selected by  
8 vote of the firefighters and retirees in the manner provided by this  
9 Act; and

10           (4) one member of the public selected and appointed by  
11 the governing body of the municipality in accordance with Section  
12 2.025 of this Act.

13           (b) The board of trustees may by rule specify the number of  
14 elected members of the board of trustees under Subsection (a) of  
15 this section who must be firefighters or retirees.

16           SECTION 6. Article 2, Chapter 183 (S.B. 598), Acts of the  
17 64th Legislature, Regular Session, 1975 (Article [6243e.1](#), Vernon's  
18 Texas Civil Statutes), is amended by adding Section 2.025 to read as  
19 follows:

20           Sec. 2.025. APPOINTED PUBLIC MEMBER OF BOARD. (a) To serve  
21 on the board under Section 2.02(a)(4) of this Act, a person:

22               (1) must:

23                       (A) be a qualified voter;

24                       (B) be a resident and have been a resident of the  
25 municipality for the five-year period preceding the date of the  
26 appointment; and

27                       (C) have demonstrated experience in the field of

finance or investments; and

(2) may not be:

(A) a current or former employee or officer of the municipality;

(B) a current or former employee of the fund or a current or former member of the board of trustees; or

(C) a current or former member or beneficiary of the fund.

(b) A member of the board of trustees under Section 2.02(a)(4) of this Act:

(1) holds office for a term of four years; and

(2) serves during the term for which the member was appointed and until the member's successor is selected and has qualified, unless a vacancy results because of death, resignation, or removal.

(c) A vacancy on the board of trustees in the position under Section 2.02(a)(4) of this Act shall be filled in the same manner as the original appointment.

SECTION 7. Section 2.03, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended by amending Subsections (c), (e), and (h) and adding Subsection (c-1) to read as follows:

(c) Each election is by secret ~~written~~ ballot on a date and using a method the board of trustees determines. Only persons who have been nominated may be listed on the ~~written~~ ballot. Nominations:

(1) may be made in person, by mail, ~~or~~ by telephone,

1 or by any other method approved by the board of trustees; [~~to the~~  
2 ~~office of the fund]~~ and

3 (2) must be received between September 1 and September  
4 15.

5 (c-1) Nominations or elections may be conducted by  
6 electronic means.

7 (e) The elected members of the board of trustees hold office  
8 for staggered terms of four [~~three~~] years, with the term of one  
9 trustee expiring each year. Elected members of the board of  
10 trustees shall serve during the term for which they are elected and  
11 until their successors are elected and have qualified, unless a  
12 vacancy results because of death, resignation, or removal.

13 (h) The administrative expenses of an election under this  
14 section may be paid from the assets of the fund. Assets of the fund  
15 may not be used to pay campaign expenses incurred by or for a  
16 candidate [~~member~~]. Administrative office supplies and equipment  
17 belonging to the fund may not be used to assist any candidate or  
18 person seeking to assist a candidate for a position on the board of  
19 trustees.

20 SECTION 8. Section 2.05, Chapter 183 (S.B. 598), Acts of the  
21 64th Legislature, Regular Session, 1975 (Article [6243e.1](#), Vernon's  
22 Texas Civil Statutes), is amended to read as follows:

23 Sec. 2.05. OFFICERS. [~~The mayor is the presiding officer~~  
24 ~~and the city treasurer is the secretary-treasurer of the board of~~  
25 ~~trustees.~~] The board shall elect annually from its membership a  
26 chair to serve as the presiding officer and a vice-chair to serve as  
27 the [~~an~~] alternate presiding officer who shall preside in the

1 absence or disability of the chair [~~mayor~~].

2       SECTION 9. Section 2.07, Chapter 183 (S.B. 598), Acts of the  
3 64th Legislature, Regular Session, 1975 (Article [6243e.1](#), Vernon's  
4 Texas Civil Statutes), is amended to read as follows:

5       Sec. 2.07. MEETINGS; MINUTES. The board of trustees shall  
6 hold regular [~~monthly~~] meetings not fewer than four times each  
7 calendar year at a time and place that it designates and may hold  
8 special meetings on the call of the presiding officer or alternate  
9 presiding officer. The board of trustees shall keep accurate  
10 minutes of its meetings and records of its proceedings.

11       SECTION 10. Section 2.08, Chapter 183 (S.B. 598), Acts of  
12 the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
13 Vernon's Texas Civil Statutes), is amended to read as follows:

14       Sec. 2.08. ADMINISTRATION OF FUNDS. The board of trustees  
15 shall:

16               (1) keep separate from all other municipal funds all  
17 money and other assets it receives for the benefit of the fund;

18               (2) keep a record of all claims, receipts, and  
19 disbursements and make disbursements only [~~on vouchers signed~~] by  
20 such persons as the board of trustees designates [~~by resolution~~];  
21 and

22               (3) publish annually a report containing a balance  
23 sheet showing the financial and actuarial condition of the fund, a  
24 statement showing receipts and disbursements during the year  
25 covered by the report, and such additional matters as may be  
26 determined appropriate by the board of trustees.

27       SECTION 11. Section 2.09, Chapter 183 (S.B. 598), Acts of

the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2.09. DETERMINATION BY BOARD. (a) The board of trustees is authorized to hear and determine all matters regarding:

(1) eligibility of any person to participate in a fund under this Act;

(2) eligibility of any person to receive a service, disability, or survivor's benefit and the amount of that benefit; ~~and~~

(3) whether a child or a parent of a deceased member was dependent on the member for financial support; and

(4) any other determinations related to the administration of the fund.

(b) All determinations made by the board of trustees shall be final and binding.

SECTION 12. Section 2.13(a), Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Information contained in records in the custody of the fund concerning an individual member, retiree, annuitant, or beneficiary is confidential and not subject to public disclosure under Chapter 552 ~~[Section 552.101]~~, Government Code, and may not be disclosed in a form identifiable with a specific individual unless:

(1) the information is disclosed to:

(A) the individual or the individual's attorney, guardian, executor, administrator, conservator, or other person

1 who the executive director [~~administrator~~] of the fund determines  
2 is acting in the interest of the individual or the individual's  
3 estate;

4 (B) a spouse or former spouse of the individual  
5 after the executive director [~~administrator~~] of the fund determines  
6 that the information is relevant to the spouse's or former spouse's  
7 interest in member accounts, benefits, or other amounts payable by  
8 the fund;

9 (C) a governmental official or employee after the  
10 executive director [~~administrator~~] of the fund determines that  
11 disclosure of the information requested is reasonably necessary to  
12 the performance of the duties of the official or employee; or

13 (D) a person authorized by the individual in  
14 writing to receive the information; or

15 (2) the information is disclosed pursuant to a  
16 subpoena and the executive director [~~administrator~~] of the fund  
17 determines that the individual will have a reasonable opportunity  
18 to contest the subpoena.

19 SECTION 13. Article 2, Chapter 183 (S.B. 598), Acts of the  
20 64th Legislature, Regular Session, 1975 (Article [6243e.1](#), Vernon's  
21 Texas Civil Statutes), is amended by adding Section 2.14 to read as  
22 follows:

23 Sec. 2.14. PROCESS FOR EXPERIENCE STUDIES AND CHANGES TO  
24 ACTUARIAL ASSUMPTIONS. (a) At least once every five years, the  
25 board of trustees shall have the board's actuary conduct an  
26 experience study to review the actuarial assumptions and methods  
27 adopted by the board for the purposes of determining the actuarial

1 liabilities and actuarially determined contribution rates of the  
2 fund. The fund shall notify the municipality at the beginning of an  
3 upcoming experience study by the board's actuary.

4 (b) In connection with the fund's experience study, the  
5 municipality may:

6 (1) conduct a separate experience study using an  
7 actuary chosen by the municipality;

8 (2) have the municipality's actuary review the  
9 experience study prepared by the board's actuary; or

10 (3) accept the experience study prepared by the  
11 board's actuary.

12 (c) If the municipality chooses to:

13 (1) have a separate experience study performed under  
14 Subsection (b)(1) of this section, the municipality shall complete  
15 the study not later than three months after the date the fund  
16 notified the municipality of the fund's intent to conduct an  
17 experience study; or

18 (2) have the municipality's actuary review the fund's  
19 experience study under Subsection (b)(2) of this section, the  
20 municipality shall complete the review not later than one month  
21 after the date the preliminary results of the experience study are  
22 presented to the board of trustees.

23 (d) If the municipality chooses to have a separate  
24 experience study performed under Subsection (b)(1) of this section,  
25 or to have the municipality's actuary review the fund's experience  
26 study under Subsection (b)(2) of this section, the board's actuary  
27 and the municipality's actuary shall determine what the

hypothetical municipal contribution rate would be using the proposed actuarial assumptions from the experience studies and data from the most recent actuarial valuation.

(e) If the difference between the hypothetical municipal contribution rates determined by the board's actuary and the municipality's actuary under Subsection (d) of this section:

(1) is less than or equal to two percent of pensionable payroll, then no further action is needed and the board shall use the experience study performed by the board's actuary in determining assumptions; or

(2) is greater than two percent of pensionable payroll, then the board's actuary and the municipality's actuary shall have not more than 20 business days after the date of determination to reconcile the difference in actuarial assumptions or methods causing the different hypothetical municipal contribution rates, and:

(A) if, as a result of the reconciliation efforts under this subdivision, the difference between the municipal contribution rates determined by the board's actuary and the municipality's actuary is reduced to less than or equal to two percentage points, then no further action is needed and the board shall use the experience study performed by the board's actuary in determining actuarial assumptions; or

(B) if, after 20 business days, the board's actuary and the municipality's actuary are not able to reach a reconciliation that reduces the difference in the hypothetical municipal contribution rates to an amount less than or equal to two

1 percentage points, an independent third-party actuary shall be  
2 retained to opine on the differences in the assumptions made and  
3 actuarial methods used by the board's actuary and the  
4 municipality's actuary.

5 (f) The independent third-party actuary retained in  
6 accordance with Subsection (e)(2)(B) of this section shall be  
7 chosen by the municipality from a list of three actuarial firms  
8 provided by the fund.

9 (g) If an independent third-party actuary is retained under  
10 Subsection (e)(2)(B) of this section, the third-party actuary's  
11 findings will be presented to the board along with the experience  
12 study conducted by the board's actuary and, if applicable, the  
13 municipality's actuary. If the board adopts actuarial assumptions  
14 or methods contrary to the third-party actuary's findings:

15 (1) the fund shall provide a formal letter describing  
16 the rationale for the board's action to the governing body of the  
17 municipality and State Pension Review Board; and

18 (2) the board's actuary and executive director shall  
19 be made available at the request of the governing body of the  
20 municipality or the State Pension Review Board to present in person  
21 the rationale for the board's action.

22 (h) If the board proposes a change to actuarial assumptions  
23 or methods that is not in connection with an experience study  
24 described by this section, the fund and the municipality shall  
25 follow the same process prescribed by this section with respect to  
26 an experience study in connection with the proposed change.

27 SECTION 14. Section 3.01, Chapter 183 (S.B. 598), Acts of

the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.01. GENERAL REQUIREMENT. A person who begins service as a firefighter in a municipality to which this Act applies and who is not ineligible for membership in the fund becomes a member of the fund as a condition of that person's employment ~~[appointment]~~. Each member shall be a group A member or group B member in accordance with Section 3.011.

SECTION 15. Article 3, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended by adding Section 3.011 to read as follows:

Sec. 3.011. GROUP A AND GROUP B MEMBERSHIP. Each member of the fund is either a group A member or a group B member as follows:

(1) a member of the fund is a group A member if the member was:

(A) a retiree on December 31, 2025;

(B) employed by the municipality as a firefighter on December 31, 2025; or

(C) terminated from employment with the municipality as a firefighter on or before December 31, 2025, if the member:

(i) has at least 10 years of accumulated service credit; and

(ii) has not:

(a) withdrawn the member's accumulated contributions under Section 9.06 of this Act; or

1                                   **(b) refunded the member's accumulated**  
2 **contributions under Section 4.04 of this Act; and**

3                                   **(2) a member of the fund is a group B member if the**  
4 **member:**

5                                   **(A) except as provided by Subdivision (1)(C) of**  
6 **this section, became employed by the municipality as a firefighter**  
7 **on or after January 1, 2026; or**

8                                   **(B) otherwise does not satisfy the requirements**  
9 **of a group A member.**

10           SECTION 16. Section 4.02, Chapter 183 (S.B. 598), Acts of  
11 the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
12 Vernon's Texas Civil Statutes), is amended to read as follows:

13           Sec. 4.02. MILITARY SERVICE. **(a)** A member of the fund  
14 retains all accumulated service credit and is allowed service  
15 credit for each month during which the member leaves employment  
16 with the fire department and performs active duty service in the  
17 armed forces or the armed forces reserves of the United States or  
18 their auxiliaries, except that:

19                               (1) the military service credit may not be for more  
20 than five years and the person must return to service with the fire  
21 department not later than the 180th day after the date of discharge  
22 or release from military service or from hospitalization continuing  
23 after discharge for a period of not more than one year;

24                               (2) the member must leave the member's contributions  
25 in the fund during the period of absence; ~~and~~

26                               (3) the member must file a written application with  
27 the fund for the military service credit, accompanied by

1 satisfactory proof of the member's military service; and

2 (4) for military service credit related to military  
3 service performed on or after January 1, 2026, the member and the  
4 municipality must each deposit to the fund an amount equal to the  
5 sum of contributions that would have been contributed to the fund by  
6 the member and the municipality, respectively, if the member had  
7 remained in active employment with the fire department during the  
8 period the claimed military service was performed.

9 (b) The payments required under this section must be made in  
10 accordance with the applicable requirements of Section 414(u) of  
11 the Internal Revenue Code and the Uniformed Services Employment and  
12 Reemployment Rights Act of 1994 (38 U.S.C. Section 4301 et seq.).  
13 The board of trustees may adopt rules relating to the payment of  
14 contributions under this section as the board of trustees considers  
15 necessary for the administration of this section.

16 SECTION 17. Section 5.03, Chapter 183 (S.B. 598), Acts of  
17 the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
18 Vernon's Texas Civil Statutes), is amended to read as follows:

19 Sec. 5.03. DETERMINATION OF AVERAGE MONTHLY SALARY. (a) A  
20 member's average monthly salary is computed as:

21 (1) for a group A member, the average of the member's  
22 compensation for the 36 months of highest compensation during the  
23 group A member's credited service; or

24 (2) for a group B member, the average of the member's  
25 compensation for the 60 months of highest compensation during the  
26 group B member's credited service.

27 (b) If a member [~~person~~] has less than 36 or 60 months of

credited service, as applicable, the average monthly salary is computed, as if the member had been employed by the fire department for 36 or 60 months, as applicable, by attributing to a period that is immediately before the member's employment and that is equal to the difference between the number of months the member has been employed by the fire department and 36 or 60 months, as applicable, of compensation the member would have received at the rank the member held when the person became a member.

SECTION 18. Section 5.04(a), Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#), Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The service retirement annuity of:

(1) a group A member ~~[person]~~ who retires under Section 5.01 of this Act ~~[on or after January 1, 1995,]~~ is a monthly payment that is equal to 3.3 ~~[three]~~ percent of the member's average monthly compensation multiplied by the member's number of years of service credit and any fraction of a year of service credit; or

(2) a group B member who retires under Section 5.01 of this Act is a monthly payment that is equal to three percent of the member's average monthly compensation multiplied by the member's number of years of service credit and any fraction of a year of service credit.

SECTION 19. Section 5.05, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.05. EARLY RETIREMENT. (a) A group A member is eligible to retire and receive a normal service retirement annuity

1 if the member, while serving as a firefighter in the fire  
2 department:

3 (1) has attained the age of 45 years and has at least  
4 10 years of service credit in the fund; or

5 (2) has at least 20 years of service credit,  
6 regardless of age.

7 (b) The retirement annuity of a group A member ~~[person]~~ who  
8 retires under this section after September 1, 1997, is the same as  
9 for normal service retirement, but may not be increased under  
10 Section 9.04 of this Act until the person would have met the  
11 requirements of Section 9.041(b) ~~[5.01]~~ of this Act ~~[if the person~~  
12 ~~had remained in active service as a firefighter]~~.

13 (c) A group B member is not eligible for early retirement  
14 under this section.

15 SECTION 20. Section 6.01, Chapter 183 (S.B. 598), Acts of  
16 the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
17 Vernon's Texas Civil Statutes), is amended to read as follows:

18 Sec. 6.01. INITIAL ELIGIBILITY FOR DISABILITY RETIREMENT.  
19 A firefighter is eligible to retire and receive a disability  
20 retirement annuity if:

21 (1) application for retirement is made by the member  
22 or the member's legal representative ~~[or if the board of trustees~~  
23 ~~determines that, although no application has been filed, retirement~~  
24 ~~is for the good of the fire department]~~;

25 (2) the medical board certifies that the member is  
26 unable to perform the duties of the member's occupation as a  
27 firefighter and sends the member's application to the board of

1 trustees; and

2 (3) the board of trustees approves the disability  
3 retirement.

4 SECTION 21. Section 6.03, Chapter 183 (S.B. 598), Acts of  
5 the 64th Legislature, Regular Session, 1975 (Article 6243e.1,  
6 Vernon's Texas Civil Statutes), is amended to read as follows:

7 Sec. 6.03. AMOUNT OF DISABILITY BENEFIT. Subject to  
8 adjustment under Section 6.05 or Section 9.04 or 9.042, as  
9 applicable, of this Act, the disability retirement benefit payable  
10 to a member is the normal service retirement benefit described by  
11 Section 5.04 of this Act, but not less than the member would have  
12 received after 20 years of service credit.

13 SECTION 22. Section 6.04, Chapter 183 (S.B. 598), Acts of  
14 the 64th Legislature, Regular Session, 1975 (Article 6243e.1,  
15 Vernon's Texas Civil Statutes), is amended to read as follows:

16 Sec. 6.04. TERMINATION DURING FIRST 2-1/2 YEARS. If,  
17 during the first 2-1/2 years of disability retirement, a retiree  
18 recovers to the extent that the person is able to perform the duties  
19 of the person's job as a firefighter, the board of trustees may  
20 terminate the disability retirement benefit [~~and restore the person~~  
21 ~~to active service at not less than the same rank the person held at~~  
22 ~~the time of disability retirement~~].

23 SECTION 23. Section 7.01, Chapter 183 (S.B. 598), Acts of  
24 the 64th Legislature, Regular Session, 1975 (Article 6243e.1,  
25 Vernon's Texas Civil Statutes), is amended to read as follows:

26 Sec. 7.01. SURVIVING SPOUSE OF FIREFIGHTER. If a  
27 firefighter dies before retirement, regardless of whether the

1 firefighter is a group A or group B member, the firefighter's  
2 surviving spouse is entitled to receive an immediate monthly  
3 benefit from the fund of 75 percent of the service retirement  
4 benefit that the firefighter would have received if the firefighter  
5 had retired on the date of death, but not less than 75 percent of the  
6 monthly payment the decedent would have received based on 20 years  
7 of service credit.

8 SECTION 24. Section 7.02, Chapter 183 (S.B. 598), Acts of  
9 the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
10 Vernon's Texas Civil Statutes), is amended to read as follows:

11 Sec. 7.02. SURVIVING SPOUSE OF GROUP A RETIREE. (a) On the  
12 death of a retiree who is a group A member, the retiree's surviving  
13 spouse is entitled to receive an immediate monthly benefit from the  
14 fund of 75 percent of the retirement benefit that was being paid to  
15 the retiree if the spouse [~~+~~

16 [~~(1)~~] was married to the retiree at the time of the  
17 retiree's retirement [~~+~~ ~~or~~

18 [~~(2) married the retiree after the retiree's~~  
19 ~~retirement and was married to the retiree for at least 24~~  
20 ~~consecutive months~~].

21 (b) With [~~For purposes of Subsection (a)(1) of this section,~~  
22 ~~with~~] respect to an informal marriage established in this state, a  
23 surviving spouse is considered married to a retiree as of the date a  
24 declaration of informal marriage was recorded in accordance with  
25 Subchapter [E](#), Chapter [2](#), Family Code.

26 (c) This section does not apply to the surviving spouse of a  
27 group B member.

SECTION 25. The heading to Section 7.03, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7.03. SURVIVING SPOUSE OF FORMER GROUP A FIREFIGHTER.

SECTION 26. Section 7.03, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) An immediate monthly benefit is payable to the surviving spouse of a former firefighter who:

(1) was a group A member;

(2) before termination of employment with the fire department had accumulated at least 10 years of service credit in the fund and had made required contributions to the fund for a period of at least 10 years; and

(3) [~~(2)~~] did not withdraw the member's contributions from the fund at the time of or after the termination of employment.

(e) This section does not apply to the surviving spouse of a group B member.

SECTION 27. Section 7.05, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) On the death of a member who at the time of the member's death was a firefighter, regardless of whether the member is a group A or group B member, or a retired group A member, if there is no

surviving spouse, a benefit is payable to the decedent's surviving dependent children, if any. The total monthly benefit payable under this subsection is 75 percent of the monthly payment that the decedent would have received under the service retirement benefit described by Section 5.04 of this Act, but not less than 75 percent of the monthly payment the decedent would have received based on 20 years of service credit. If there is more than one dependent child of the decedent, each dependent child is entitled to receive an equal share of the total monthly payment under this subsection.

(b) On the death of a member who was a firefighter or a retired group A member ~~[under this Act]~~, if there is a surviving spouse, a benefit is payable to each of the decedent's surviving dependent children, if any. The monthly amount of the benefit payable to each child is 15 percent of the monthly payment that the decedent would have received under the service retirement benefit described by Section 5.04 of this Act, but not less than 15 percent of the monthly payment the decedent would have received based on 20 years of service credit. If the decedent left more than five surviving dependent children, the monthly benefit payable to each dependent child shall be reduced so that the total monthly benefit payable under this subsection does not exceed the total monthly benefit that would have been payable if the decedent had left no surviving spouse.

(d) This section does not apply to the surviving children of a group B member.

SECTION 28. Section 7.06, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),

Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7.06. PAYMENTS TO DEPENDENT PARENTS. (a) If a deceased member who was a retired group A member leaves no surviving spouse, no surviving designated beneficiary, and no surviving children entitled to receive a benefit under this Act but is survived by one or more dependent parents, the dependent parent, or one of the surviving parents designated by the board of trustees, is entitled to receive a monthly benefit payment equal to the monthly amount that would have been payable to a surviving spouse of the deceased. All payments under this section cease on the death of the surviving dependent parent.

(b) This section does not apply to the surviving dependent parents of a group B member.

SECTION 29. Section 7.09, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7.09. SURVIVING BENEFICIARY OF CERTAIN UNMARRIED GROUP A MEMBERS. (a) On the death of a ~~[retiree or of a]~~ member, including a retiree, who is a group A member and, at the time of the member's death, was eligible for retirement but had ~~[has]~~ not retired, a benefit is payable under this section if:

(1) the ~~[retiree or]~~ member designated a beneficiary to receive the benefit payable under this section on a form filed with the fund; and

(2) this Act does not otherwise provide a benefit payable to a surviving spouse or child of the member ~~[or retiree]~~.

(b) The benefit payable under this section is an immediate

1 monthly benefit from the fund of 75 percent of the amount of the:

2 (1) retirement benefit that was being paid to the  
3 group A member as a retiree; or

4 (2) normal service retirement benefit that the group A  
5 member would have received if the member had retired on the date of  
6 death.

7 (c) If the designated beneficiary of a group A [~~retiree or~~]  
8 member is 10 or more years younger than the [~~retiree or~~] member at  
9 the time of the [~~retiree's or~~] member's death, the amount of the  
10 benefit payable under Subsection (b) of this section shall be  
11 reduced to the actuarial equivalent of the benefit that would have  
12 been payable if the beneficiary and the [~~retiree or~~] member were the  
13 same age.

14 (d) The board of trustees may adopt rules to establish  
15 procedures for and requirements governing a group A member's  
16 designation of a beneficiary under this section.

17 (e) This section does not apply to a group B member.

18 SECTION 30. Section 8.01, Chapter 183 (S.B. 598), Acts of  
19 the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
20 Vernon's Texas Civil Statutes), is amended to read as follows:

21 Sec. 8.01. MEMBER REMAINING IN ACTIVE SERVICE. In lieu of  
22 either leaving active service and beginning to receive a service  
23 retirement annuity under Section 5.01 of this Act or remaining in  
24 active service and continuing to accrue additional service credit  
25 under Section 5.02 of this Act, a member who is eligible to receive  
26 a normal service retirement benefit under Section 5.01 of this Act  
27 may remain in active service, become a participant in the DROP

1 ~~[deferred retirement option plan ("DROP")]~~ in accordance with  
2 ~~[Sections 8.02 and 8.03 of]~~ this Act, and defer the beginning of the  
3 person's retirement annuity. Once an election to participate in  
4 the DROP has been made, the election continues in effect as long as  
5 the member remains in active service as a firefighter. When the  
6 member leaves active service, the member may apply for a service  
7 retirement annuity under Section 5.01 of this Act.

8 SECTION 31. Section 8.02, Chapter 183 (S.B. 598), Acts of  
9 the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
10 Vernon's Texas Civil Statutes), is amended to read as follows:

11 Sec. 8.02. ELECTION TO PARTICIPATE IN DROP. The election to  
12 participate in the DROP shall be made in accordance with procedures  
13 adopted by the board of trustees. The election may be made at any  
14 time on or after the date the member becomes eligible for normal  
15 service retirement under Section 5.01 of this Act or early  
16 retirement under Section 5.05 of this Act and becomes effective on  
17 the first day of the first month after the date of the election. At  
18 the same time that a member makes an election to participate in the  
19 DROP, the member must agree in writing to terminate service with the  
20 fire department on a date not later than the seventh anniversary of  
21 the effective date of the election under this section. An agreement  
22 to terminate service is binding on the member and the fire  
23 department, except that the member may terminate active service at  
24 any time before the date selected. An election to participate in  
25 the DROP has no effect on either the municipality's or the member's  
26 contributions under Article 10 ~~[Section 10.01]~~ of this Act.

27 SECTION 32. Section 8.03, Chapter 183 (S.B. 598), Acts of

the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 8.03. CREDITS TO MEMBER'S DROP ACCOUNT DURING DROP PERIOD. (a) Each month during a member's DROP period [~~after a member makes an election to participate in the DROP and until the member's retirement~~], the board of trustees shall cause an amount equal to the retirement annuity that the member would have received under Section 5.04 of this Act for that month if the member had left active service and been granted a retirement annuity on the effective date of the election under Section 8.02 of this Act to be credited to a separate DROP account maintained within the fund for the benefit of the member.

(b) In addition to the amounts credited under Subsection (a) of this section, the board of trustees shall cause an amount equal to all or a portion of the firefighter's [~~The member's~~] contributions under Section 10.011 [~~Section 10.01(d)~~] of this Act made after the effective date of the election to participate in the DROP to [~~shall also~~] be credited to the member's DROP account as follows:

(1) if the member is a group A member, 100 percent of the contributions; or

(2) if the member is a group B member, 50 percent of the contributions.

(c) Amounts held in a member's DROP account during the DROP period shall be credited with interest on December 31 [~~at the end~~] of each calendar year [~~month with interest~~] at a rate equal to:

(1) [~~one-twelfth of~~] five percent for a group A

1 member; or

2 (2) four percent for a group B member ~~[until the~~  
3 ~~member's retirement]~~.

4 SECTION 33. Article 8, Chapter 183 (S.B. 598), Acts of the  
5 64th Legislature, Regular Session, 1975 (Article [6243e.1](#), Vernon's  
6 Texas Civil Statutes), is amended by adding Section 8.031 to read as  
7 follows:

8 Sec. 8.031. INTEREST CREDITED AFTER DROP PERIOD. Amounts  
9 held in a member's DROP account after the DROP period shall be  
10 credited with interest:

11 (1) if the member is a group A member, for each period:

12 (A) before January 1, 2026, at the end of each  
13 calendar month at a rate equal to one-twelfth of five percent; or

14 (B) on or after January 1, 2026, on December 31 of  
15 each calendar year at a rate equal to five percent; or

16 (2) if the member is a group B member, on December 31  
17 of each calendar year at a rate equal to:

18 (A) four percent, if the fund's annual investment  
19 return for the preceding calendar year is greater than zero  
20 percent; or

21 (B) two percent, if the fund's annual investment  
22 return for the preceding calendar year is equal to or less than zero  
23 percent.

24 SECTION 34. Section 8.04, Chapter 183 (S.B. 598), Acts of  
25 the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
26 Vernon's Texas Civil Statutes), is amended to read as follows:

27 Sec. 8.04. ADJUSTMENTS TO ~~[AMOUNT OF]~~ CREDITS TO MEMBER'S

DROP ACCOUNT. (a) The amount credited ~~[monthly]~~ to the member's DROP account:

(1) shall be increased ~~[as a result of any increase in the formula used in computing service retirement benefits under Section 5.04 of this Act that occurs after the effective date of the member's election to participate in the DROP but before the effective date of the member's retirement;~~

~~[(2) shall be increased]~~ by any ~~[annual]~~ cost-of-living adjustments under Section 9.04 of this Act that occur during the group A member's DROP period, including adjustments granted before January 1, 2026, ~~[between the effective date of the member's election to participate in the DROP and the effective date of the member's retirement]~~ but only as to amounts credited to the member's DROP account after a cost-of-living adjustment; and

(2) ~~[(3)]~~ is subject to the limitations prescribed by Section 9.03 of this Act.

(b) Subsection (a)(1) of this section does not apply to a group B member.

SECTION 35. Section 8.05(d), Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#), Vernon's Texas Civil Statutes), is amended to read as follows:

(d) The board of trustees may adopt rules that modify the availability of distributions under Subsection (a) of this section, provided that the modifications do not:

(1) impair the distribution rights under that subsection; or

(2) cause distributions to occur later than required

1 under Section 401(a)(9), Internal Revenue Code [~~of 1986~~].

2 SECTION 36. Section 8.06, Chapter 183 (S.B. 598), Acts of  
3 the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
4 Vernon's Texas Civil Statutes), is amended to read as follows:

5 Sec. 8.06. ESTABLISHMENT OF DROP ACCOUNT AT RETIREMENT FOR  
6 GROUP A MEMBERS. (a) In lieu of electing to participate in the DROP  
7 before actual retirement, a group A member who is eligible for  
8 normal service retirement or early retirement and who terminates or  
9 has terminated active service as a firefighter may establish a DROP  
10 account under this section.

11 (b) A group A member who is eligible to receive a service  
12 retirement benefit under Section 5.06 of this Act may establish a  
13 DROP account under this section on retiring under Section 5.06 of  
14 this Act.

15 (c) If a group A member elects to participate in the DROP  
16 under this section:

17 (1) the board of trustees shall cause to be credited to  
18 a DROP account maintained within the fund for the benefit of that  
19 person an amount equal to the credits that the member's DROP account  
20 would have received, including interest in accordance with Section  
21 8.03 of this Act, if the member had established the DROP account  
22 after becoming eligible for service retirement, but not more than  
23 seven years before the actual [~~effective~~] date of the member's  
24 [~~person's~~] retirement from the fire department;

25 (2) the date used in computations under Subdivision  
26 (1) of this subsection [~~section~~] as if the member had established  
27 the DROP account on that date is the effective date of the member's

election to participate in the DROP;

(3) the member will receive payments from the member's DROP account as the member may select under Section 8.05 of this Act; and

(4) the member's DROP account shall be credited with interest as provided by:

(A) Section 8.03 [~~8.05~~] of this Act during the DROP period; or

(B) Section 8.031 of this Act after the DROP period.

(d) If a group A member who did not establish a DROP account under this section but was eligible to do so dies before retirement, the surviving spouse, if any, of that member may elect to participate in the DROP if the surviving spouse has not received any benefit payments under Section 7.01 of this Act. If a surviving spouse makes an election under this subsection:

(1) the board of trustees shall cause to be paid to the surviving spouse in a lump sum, as soon as administratively possible after the fund receives notice of the election, an amount equal to the credits that the member's DROP account would have received, including interest, if the member had established the DROP account after becoming eligible for service retirement, but not more than seven years before the date of the member's death; and

(2) the amount of the benefit payable to the surviving spouse under Section 7.03 of this Act is 75 percent of the benefit the member would have been eligible to receive if the member had established the DROP account on becoming eligible for service

1 retirement, but not more than seven years before the date of the  
2 member's death.

3 (e) If a group A member who did not establish a DROP account  
4 under this section but was eligible to do so dies before retirement  
5 without leaving a surviving spouse, the surviving dependent  
6 children, if any, may elect to participate in the DROP if the  
7 dependent children have not received any benefit payments under  
8 Section 7.05 of this Act. An election under this subsection must be  
9 made by all of the surviving dependent children of the member,  
10 except that the guardian of any child who is younger than 18 years  
11 of age at the time of the election makes a binding election for the  
12 child. If the surviving dependent children make an election under  
13 this subsection:

14 (1) the board of trustees shall cause to be paid  
15 jointly to the dependent children in a lump sum, as soon as  
16 administratively possible after the fund receives notice of the  
17 election, an amount equal to the credits the member's DROP account  
18 would have received, including interest, if the member had  
19 established the DROP account after becoming eligible for service  
20 retirement, but not less than the credits the DROP account would  
21 have received, including interest, based on 20 years of service  
22 credit; and

23 (2) the amount of the benefit payable to the dependent  
24 children under Section 7.05(a) of this Act is 75 percent of the  
25 benefit the member would have been entitled to receive if the member  
26 had established the DROP account on becoming eligible for service  
27 retirement, but based on not less than 20 years of service credit.

1        (f) A group B member is not eligible to establish a DROP  
2 account under this section.

3        SECTION 37. Section 8.08, Chapter 183 (S.B. 598), Acts of  
4 the 64th Legislature, Regular Session, 1975 (Article 6243e.1,  
5 Vernon's Texas Civil Statutes), is amended to read as follows:

6        Sec. 8.08. SUBSEQUENT DISABILITY OF DROP PARTICIPANT. A  
7 member who participates in the DROP becomes ineligible for any  
8 disability benefits described by Article 6 of this Act. Instead,  
9 if the board of trustees determines that the member would have been  
10 eligible for disability retirement, the board of trustees shall  
11 grant a normal service retirement annuity as described by Section  
12 5.04 of this Act and shall pay the member both:

13            (1) the service retirement annuity as calculated under  
14 Section 8.03(a) of this Act; and

15            (2) a distribution of the DROP account that has  
16 accumulated as of the date of termination of employment in  
17 accordance with [as described by] Section 8.05 of this Act.

18        SECTION 38. Section 8.09, Chapter 183 (S.B. 598), Acts of  
19 the 64th Legislature, Regular Session, 1975 (Article 6243e.1,  
20 Vernon's Texas Civil Statutes), is amended to read as follows:

21        Sec. 8.09. RETIREMENT BENEFIT PAYABLE TO DROP PARTICIPANT.  
22 (a) The retirement benefit payable under Article 5 or 6 of this Act  
23 to a person who participates in the DROP:

24            ~~(1) [may not be increased as a result of any increase~~  
25 ~~in the formula used in computing service retirement benefits under~~  
26 ~~Section 5.04 of this Act that occurs after the effective date of the~~  
27 ~~member's election to participate in the DROP,~~

1           ~~[(2)]~~ may not be increased as a result of any increase  
2 in the member's compensation that occurs after the effective date  
3 of the member's election to participate in the DROP;

4           (2) ~~[(3)]~~ shall be increased by any ~~[annual]~~  
5 cost-of-living adjustments under Section 9.04 of this Act that  
6 occur during the group A member's DROP period, including  
7 adjustments granted before January 1, 2026 ~~[between the effective~~  
8 ~~date of the member's election to participate in the DROP and the~~  
9 ~~effective date of the member's retirement]~~;

10           (3) ~~[(4)]~~ may not be increased for additional service  
11 credit after the effective date of the member's election to  
12 participate in the DROP; and

13           (4) ~~[(5)]~~ is subject to the limitations prescribed by  
14 Section 9.03 of this Act.

15           (b) Subsection (a)(2) of this section does not apply to a  
16 group B member.

17           SECTION 39. Section 8.10, Chapter 183 (S.B. 598), Acts of  
18 the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
19 Vernon's Texas Civil Statutes), is amended to read as follows:

20           Sec. 8.10. TERMINATION OR MODIFICATION OF DROP BY FUND. To  
21 maintain the actuarial soundness of the fund ~~[If the board's~~  
22 ~~actuary, not sooner than January 1, 2000, certifies to the board~~  
23 ~~that DROP participation is resulting in a significant actuarial~~  
24 ~~loss to the fund]~~, the board of trustees may:

25           (1) reduce the interest paid on DROP accounts or take  
26 other action that would reduce the future credits to DROP accounts  
27 on or ~~[, but only for all DROP accounts that are established]~~ after

1 the effective date of the reduction [~~action by the board of~~  
2 ~~trustees~~]; or

3 (2) terminate the deferred retirement option plan for  
4 all members who have not at that time established a DROP account.

5 SECTION 40. Section 9.03, Chapter 183 (S.B. 598), Acts of  
6 the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
7 Vernon's Texas Civil Statutes), is amended to read as follows:

8 Sec. 9.03. LIMITATION ON PAYMENT OF BENEFITS. (a) If the  
9 amount of any benefit payment under this Act would exceed the  
10 limitations provided by Section 415 of the Internal Revenue Code  
11 [~~of 1986~~], and the regulations adopted under that section, the  
12 board of trustees shall reduce the amount of the benefit as needed  
13 to comply with that section.

14 (b) A person's vested accrued benefit in effect on September  
15 1, 2025, [~~September 1, 1995~~] may not be reduced under this section.

16 SECTION 41. The heading to Section 9.04, Chapter 183 (S.B.  
17 598), Acts of the 64th Legislature, Regular Session, 1975 (Article  
18 [6243e.1](#), Vernon's Texas Civil Statutes), is amended to read as  
19 follows:

20 Sec. 9.04. COST-OF-LIVING ADJUSTMENTS FOR GROUP A MEMBERS  
21 AND SURVIVORS [~~ADJUSTMENT; OTHER ADJUSTMENTS~~].

22 SECTION 42. Section 9.04, Chapter 183 (S.B. 598), Acts of  
23 the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
24 Vernon's Texas Civil Statutes), is amended by amending Subsections  
25 (a), (a-1), and (a-2) and adding Subsections (c), (d), and (e) to  
26 read as follows:

27 (a) Subject to this section and Sections [~~except as provided~~

1 ~~by Section]~~ 5.05 and 9.041 of this Act, the board of trustees may  
2 approve a ~~[person receiving a retirement or survivor's benefit~~  
3 ~~under this Act is entitled each calendar year to a]~~ cost-of-living  
4 adjustment for:

5 (1) eligible retirees who were group A members; and

6 (2) beneficiaries entitled to survivor benefits under  
7 this Act after the death of a group A member ~~[of that person's~~  
8 ~~benefit calculated in accordance with this section]~~.

9 (a-1) The ~~[annual]~~ cost-of-living adjustment approved under  
10 this section:

11 (1) may not exceed ~~[is based on]~~ the collective  
12 adjustment amount calculated in accordance with Subsection (a-2) of  
13 this section for a given calendar year;

14 (1-a) may be ~~[and]~~ allocated among persons eligible  
15 for an adjustment under this section in a manner and in an amount  
16 determined by the board of trustees;

17 (2) may not take effect earlier than January 1 of the  
18 calendar year following the date the board of trustees approves the  
19 adjustment, but may take effect at any time during the ~~[a]~~ given  
20 calendar year, as determined by the board of trustees; and

21 (3) may not reduce a person's benefit to an amount less  
22 than the person received when the benefit first was paid to that  
23 person.

24 (a-2) The collective adjustment amount must be ~~[described~~  
25 ~~by Subsection (a-1) of this section]~~:

26 (1) except as provided by Subdivision (2) of this  
27 subsection, ~~[is]~~ an amount equal to the actuarial value, as

determined by the board's actuary based on the interest and mortality assumptions adopted by the board of trustees for the most recent actuarial valuation of the fund, of 1.5 percent ~~[the percentage increase in the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor for the applicable determination period ending in a calendar month that precedes by not more than four months the month in which the cost-of-living adjustment is to take effect,~~] multiplied by the total amount of benefits payable in the month immediately preceding the date an adjustment is to take effect to persons who are eligible to receive an adjustment under this section; and

(2) if applicable, ~~+~~

~~[(A) is]~~ reduced by an amount that the board's actuary determines is necessary to comply with limitations prescribed by this section, except the adjustment under this section may not be reduced to an amount that is less than zero ~~[maintain the financial stability of the fund, or~~

~~[(B) is increased in accordance with Subsection (b) of this section].~~

(c) The board of trustees may not approve a cost-of-living adjustment for a calendar year:

(1) unless the board's actuary certifies that:

(A) the amortization period of the fund as a whole, after taking into account the cost-of-living adjustment, will not exceed:

(i) 25 years for a cost-of-living adjustment payable beginning in calendar years 2026 through 2035;

1                   (ii) 20 years for a cost-of-living  
2 adjustment payable beginning in calendar years 2036 through 2040;  
3 or

4                   (iii) 15 years for a cost-of-living  
5 adjustment payable beginning in calendar year 2041 or a subsequent  
6 calendar year; and

7                   (B) the funded ratio for any year during the  
8 remainder of the amortization period of the fund as a whole or for  
9 10 years, whichever is greater, after taking into account the  
10 cost-of-living adjustment, is:

11                   (i) 80 percent or more for a cost-of-living  
12 adjustment payable beginning in calendar years 2026 through 2040;

13                   (ii) 85 percent or more for a  
14 cost-of-living adjustment payable beginning in calendar years 2041  
15 through 2045; or

16                   (iii) 90 percent or more for a  
17 cost-of-living adjustment beginning in calendar year 2046 or a  
18 subsequent calendar year;

19                   (2) that begins on the second January 1 following a  
20 calendar year in which:

21                   (A) the annual investment return as reported in  
22 the fund's annual report for the calendar year is less than zero; or

23                   (B) the five-year investment return as reported  
24 in the fund's annual report for the calendar year is less than the  
25 fund's assumed rate of return used in the actuarial valuation for  
26 the calendar year; or

27                   (3) in which the estimated municipal contribution

1 rate, after taking into account the cost-of-living adjustment,  
2 would exceed four percent above the corridor midpoint.

3 (d) For purposes of Subsection (c)(1) of this section, the  
4 board's actuary shall:

5 (1) use the actuarial valuation dated as of the second  
6 December 31 preceding the calendar year in which the cost-of-living  
7 adjustment is to take effect, including the unfunded actuarial  
8 accrued liability, amortization period, and funded ratio as of that  
9 December 31; and

10 (2) make the certifications required by that  
11 subdivision not later than October 31 of the calendar year  
12 immediately preceding the calendar year in which the cost-of-living  
13 adjustment is to take effect.

14 (e) Notwithstanding any of the limitations prescribed by  
15 this section or Section 9.041 of this Act, the governing body of the  
16 municipality may approve a cost-of-living adjustment for any  
17 calendar year in which a cost-of-living adjustment may not  
18 otherwise be granted due to the limitations under this section in a  
19 manner and in an amount determined by the governing body of the  
20 municipality based on a recommendation from the board.

21 SECTION 43. Chapter 183 (S.B. 598), Acts of the 64th  
22 Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's  
23 Texas Civil Statutes), is amended by adding Sections 9.041 and  
24 9.042 to read as follows:

25 Sec. 9.041. COST-OF-LIVING ADJUSTMENT ELIGIBILITY FOR  
26 CERTAIN GROUP A MEMBERS AND SURVIVORS. (a) Except as provided by  
27 Subsection (b) of this section, for each calendar year beginning on

or after January 1, 2027, a retiree who is a group A member or a beneficiary who is receiving survivor benefits under this Act after the death of a group A member is not eligible for a cost-of-living adjustment under this Act until January 1 of the calendar year immediately following the later of the year:

(1) in which the member or beneficiary, as applicable, attains 67 years of age; or

(2) that is the fifth anniversary of the member's actual date of retirement from the fire department.

(b) For each calendar year beginning on or after January 1, 2027, a retiree who is a group A member who is receiving an early retirement annuity benefit under Section 5.05 of this Act is not eligible for a cost-of-living adjustment under this Act until January 1 of the calendar year immediately following the year in which the member attains 69 years of age.

Sec. 9.042. COST-OF-LIVING ADJUSTMENT FOR GROUP B MEMBERS AND SURVIVORS. The retirement annuity of a retiree who is a group B member or the survivor benefit of a beneficiary who is receiving survivor benefits under this Act after the death of a group B member must be increased by the group B cost-of-living adjustment percentage each year on a compounding basis beginning on January 1 of the calendar year immediately following the later of the year:

(1) in which the member or beneficiary, as applicable, attains 67 years of age;

(2) that is the fifth anniversary of the member's actual date of retirement from the fire department; or

(3) if applicable, in which the member's DROP account

1 is fully distributed.

2 SECTION 44. Sections 9.10(a), (d), and (f), Chapter 183  
3 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975  
4 (Article 6243e.1, Vernon's Texas Civil Statutes), are amended to  
5 read as follows:

6 (a) An optional retirement annuity is an annuity that is  
7 certified by the board's actuary to be the actuarial equivalent of  
8 the annuity provided under Section 5.04 of this Act and the  
9 survivor's benefits provided under Article 7 of this Act, as  
10 applicable. [~~An optional retirement annuity is payable throughout~~  
11 ~~the life of the retiree.~~]

12 (d) The board of trustees by rule may provide for different  
13 forms of optional retirement annuities, including an optional  
14 retirement annuity that is payable:

15 (1) [~~an optional retirement annuity is payable~~] after  
16 a member's death throughout the life of a person designated by the  
17 member, including an annuity that provides that, [~~or~~

18 [~~(2)~~] if a retiree dies before a fixed number of  
19 monthly annuity payments are made, the remaining number of payments  
20 are payable to the retiree's designated beneficiary or, if a  
21 designated beneficiary does not exist, to the retiree's estate;

22 (2) throughout the life of a retiree who is a group A  
23 member with no survivor benefit;

24 (3) with a partial lump-sum option for a member who  
25 does not elect to participate in the DROP; or

26 (4) as an optional joint and survivor benefit for a  
27 group B member.

(f) Except as provided by Subsections (g), (h), and (i) of this section, if a group A member elects an optional retirement annuity that, on the group A member's death, pays to the member's spouse an amount that is less than 75 percent of the annuity that is payable during the joint lives of the group A member and the member's spouse, the spouse must consent to the election. The spouse's consent must be in writing and witnessed by an officer or employee of the fund or acknowledged by a notary public.

SECTION 45. Article 9, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#), Vernon's Texas Civil Statutes), is amended by adding Section 9.11 to read as follows:

Sec. 9.11. BENEFITS PAYABLE TO ALTERNATE PAYEES UNDER QUALIFIED DOMESTIC RELATIONS ORDERS. (a) Benefits payable under the fund, including service retirement benefits, disability retirement benefits, survivor benefits, or DROP account benefits, or a withdrawal of contributions, may be paid to a former spouse or other alternate payee under the terms of a domestic relations order, but only if the fund determines that the order constitutes a qualified domestic relations order under Chapter [804](#), Government Code.

(b) An alternate payee will receive a full distribution of any portion of a member's DROP account awarded to the alternate payee pursuant to a qualified domestic relations order as soon as administratively practicable after the alternate payee is first entitled to distribution of such amounts as determined by the fund.

(c) On the death of an alternate payee under a qualified

1 domestic relations order, the interest of the alternate payee in  
2 the benefits under this Act ends and remaining benefits shall be  
3 paid as if the qualified domestic relations order had not existed.

4         SECTION 46. The heading to Section 10.01, Chapter 183 (S.B.  
5 598), Acts of the 64th Legislature, Regular Session, 1975 (Article  
6 6243e.1, Vernon's Texas Civil Statutes), is amended to read as  
7 follows:

8         Sec. 10.01. MUNICIPAL [~~AND MEMBER~~] CONTRIBUTIONS.

9         SECTION 47. Section 10.01, Chapter 183 (S.B. 598), Acts of  
10 the 64th Legislature, Regular Session, 1975 (Article 6243e.1,  
11 Vernon's Texas Civil Statutes), is amended by amending Subsections  
12 (a), (b), (c), and (d) and adding Subsections (b-1) and (b-2) to  
13 read as follows:

14         (a) Each municipality in which a fire department to which  
15 this Act applies is located shall appropriate and contribute to the  
16 fund each pay period in accordance with the following:

17                 (1) for all pay periods beginning after September 30,  
18 2012, and before January 1, 2026, an amount equal to 22.05 percent  
19 [a percentage] of the compensation of all members during the pay  
20 period; and

21                 (2) for all pay periods beginning on or after January  
22 1, 2026, the amount determined in accordance with Subsections (b)  
23 and (c) of this section and Sections 10.05, 10.06, 10.07, and 10.08  
24 of this Act, as applicable [that month as follows:

25                 ~~[(1) 19.05 percent, beginning on the first pay date~~  
26 ~~following September 30, 2010, through the pay date immediately~~  
27 ~~preceding September 30, 2011,~~

1           ~~[(2) 20.05 percent, beginning on the first pay date~~  
2 ~~following September 30, 2011, through the pay date immediately~~  
3 ~~preceding September 30, 2012,~~

4           ~~[(3) 21.05 percent, for 24 pay dates of the~~  
5 ~~municipality beginning on the first pay date following September~~  
6 ~~30, 2012, and~~

7           ~~[(4) 22.05 percent, for all pay dates of the~~  
8 ~~municipality that follow the 24 pay dates referenced in Subdivision~~  
9 ~~(3) of this subsection].~~

10           (b) For each pay period that begins on or after January 1,  
11 2026, and before January 1, 2027, the municipality shall contribute  
12 an amount equal to the sum of:

13                 (1) the municipal contribution rate, as determined in  
14 the initial risk sharing valuation study conducted under Section  
15 10.05 of this Act, multiplied by the pensionable payroll for the  
16 applicable pay period; and

17                 (2) 1/26 of the municipal legacy contribution amount  
18 for the 2026 calendar year, as determined and adjusted in the  
19 initial risk sharing valuation study conducted under Section 10.05  
20 of this Act ~~[Each firefighter shall pay into the fund each month a~~  
21 ~~percentage of the firefighter's compensation for that month as~~  
22 ~~follows:~~

23                 ~~[(1) 15.70 percent, for the pay dates of the~~  
24 ~~municipality following September 30, 2010, through the pay date~~  
25 ~~immediately preceding September 30, 2011,~~

26                 ~~[(2) 16.20 percent, beginning on the first pay date of~~  
27 ~~the municipality following September 30, 2011, through the pay date~~

~~immediately preceding September 30, 2012,~~

~~[(3) 16.70 percent, beginning on the first pay date of the municipality following September 30, 2012, through the pay date immediately preceding September 30, 2013,~~

~~[(4) 17.20 percent, beginning on the first pay date of the municipality following September 30, 2013, through the pay date immediately preceding September 30, 2014,~~

~~[(5) 17.70 percent, beginning on the first pay date of the municipality following September 30, 2014, through the pay date immediately preceding September 30, 2015,~~

~~[(6) 18.20 percent, beginning on the first pay date of the municipality following September 30, 2015, through the pay date immediately preceding September 30, 2016, and~~

~~[(7) 18.70 percent, for the first pay date of the municipality following September 30, 2016, and all subsequent pay dates of the municipality].~~

(b-1) For each pay period that begins on or after January 1, 2027, the municipality shall contribute an amount equal to the sum of:

(1) the municipal contribution rate for the applicable calendar year, as determined in a subsequent risk sharing valuation study conducted under Section 10.06 of this Act and adjusted under Section 10.07 or 10.08 of this Act, as applicable, multiplied by the pensionable payroll for the applicable pay period; and

(2) 1/26 of the municipal legacy contribution amount for the applicable calendar year, as determined and adjusted in the initial risk sharing valuation study conducted under Section 10.05

1 of this Act.

2 (b-2) If the municipality elects to change the  
3 municipality's payroll period to a period other than a biweekly  
4 payroll period or for any calendar year that has more than 26 pay  
5 periods, the fractional amounts of the municipal legacy  
6 contribution stated in Subsections (b)(2) and (b-1)(2) of this  
7 section may be appropriately adjusted such that the municipality's  
8 municipal legacy contribution for such calendar year equals the  
9 contribution required under Subsection (b)(2) or (b-1)(2) of this  
10 section, as applicable.

11 (c) The governing body of each municipality may authorize  
12 the municipality to contribute a portion of the contribution  
13 required of each firefighter under Section 10.011 of this Act [~~this~~  
14 ~~section~~]. In that event:

15 (1) the municipality shall appropriate and contribute  
16 to the fund each pay period [~~month~~] at the higher percentage of  
17 compensation necessary to make all contributions required and  
18 authorized to be made by the municipality under this section; and

19 (2) each firefighter's individual account with the  
20 fund shall be credited each pay period [~~month~~] as if the firefighter  
21 had made the entire contribution required of that firefighter under  
22 Section 10.011 of this Act [~~10.01(b)~~].

23 (d) The governing body of each municipality may authorize  
24 the municipality to make an additional contribution to the fund in  
25 whatever amount the governing body may determine. [~~The members of~~  
26 ~~the fund, by a majority vote in favor of an increase in~~  
27 ~~contributions above 13.70 percent, may increase each firefighter's~~

~~contribution above 13.70 percent to any percentage recommended by a majority vote of the board of trustees.]~~

SECTION 48. Article 10, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended by adding Section 10.011 to read as follows:

Sec. 10.011. FIREFIGHTER CONTRIBUTIONS. (a) Subject to Subsection (b) of this section or Section 10.09 of this Act, each firefighter who is a member of the fund shall pay into the fund an amount equal to 18.70 percent of the firefighter's compensation for the first pay period of the municipality beginning on or after September 30, 2016, and all subsequent pay periods of the municipality thereafter.

(b) The firefighters described by Subsection (a) of this section, by a majority vote, may voluntarily increase the firefighter contribution to a rate that is:

(1) higher than the rate prescribed by Subsection (a) of this section; and

(2) recommended by a majority vote of the board of trustees.

SECTION 49. Section 10.02, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 10.02. PICKUP OF FIREFIGHTER CONTRIBUTIONS. A municipality to which this Act applies shall pick up the firefighter contributions to the fund that are required or authorized pursuant to Section 10.011 [~~10.01~~] of this Act,

1 whichever is higher. Firefighter contributions will be picked up  
 2 by a reduction in the monetary compensation of the firefighters.  
 3 Contributions picked up shall be treated as employer contributions  
 4 in accordance with Section 414(h)(2) of the Internal Revenue Code  
 5 for the purpose of determining tax treatment of the amounts under  
 6 that code. These contributions will be credited to ~~[deposited to~~  
 7 ~~the credit of]~~ the individual accounts of the firefighters in the  
 8 fund and shall be treated as the monthly contributions of the  
 9 firefighters for all purposes of this Act. These contributions are  
 10 not includable in the gross income of a firefighter until the time  
 11 that they are distributed or made available to the firefighter or  
 12 survivors of the firefighter. The board of trustees may at any  
 13 time, by majority vote, discontinue the pickup of firefighter  
 14 contributions by the municipality.

15 SECTION 50. Section 10.03, Chapter 183 (S.B. 598), Acts of  
 16 the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
 17 Vernon's Texas Civil Statutes), is amended to read as follows:

18 Sec. 10.03. CONTRIBUTIONS AND INCOME AS ASSETS OF  
 19 FUND. All contributions paid to the fund under ~~[Sections 10.01 and~~  
 20 ~~10.02 of]~~ this article ~~[Act]~~ become a part of the assets of the  
 21 fund. All interest and dividends on investments of the assets of  
 22 the fund shall be deposited into the fund and are part of it.

23 SECTION 51. Section 10.04, Chapter 183 (S.B. 598), Acts of  
 24 the 64th Legislature, Regular Session, 1975 (Article [6243e.1](#),  
 25 Vernon's Texas Civil Statutes), is amended to read as follows:

26 Sec. 10.04. INTEREST ON INDIVIDUAL ACCOUNTS. (a) This  
 27 subsection applies only to a group A member. The fund shall credit

1 interest on December 31 of each year to the account of each  
 2 firefighter, and of each former firefighter, who has not retired in  
 3 an amount equal to five percent of the accumulated contributions,  
 4 including previously credited interest, on deposit on January 1 of  
 5 that year. The fund may not pay interest on a firefighter's or  
 6 former firefighter's contributions [~~for part of a year or~~] for any  
 7 period that is more than five calendar years after the date of  
 8 termination of employment. This subsection expires December 31,  
 9 2025.

10 (a-1) Beginning January 1, 2026, a group A member is not  
 11 entitled to interest on amounts credited to the member's individual  
 12 account.

13 (b) A group B member is not entitled to interest on amounts  
 14 credited to the member's individual account for any period.

15 SECTION 52. Article 10, Chapter 183 (S.B. 598), Acts of the  
 16 64th Legislature, Regular Session, 1975 (Article [6243e.1](#), Vernon's  
 17 Texas Civil Statutes), is amended by adding Sections 10.05, 10.06,  
 18 10.07, 10.08, and 10.09 to read as follows:

19 Sec. 10.05. INITIAL RISK SHARING VALUATION STUDY. (a) The  
 20 fund shall cause the board's actuary to prepare an initial risk  
 21 sharing valuation study that is dated as of December 31, 2024, in  
 22 accordance with this section.

23 (b) The initial risk sharing valuation study must:  
 24 (1) except as otherwise provided by this section, be  
 25 prepared in accordance with the requirements of Section 10.06 of  
 26 this Act;

27 (2) be based on the actuarial assumptions that were

1 used by the board's actuary in the valuation completed for the year  
2 ending December 31, 2023, provided that for purposes of determining  
3 the municipal legacy contribution amounts, corridor midpoint, and  
4 municipal contribution rate for the calendar year beginning January  
5 1, 2026:

6 (A) the actuarial value of assets must be equal  
7 to the market value of assets of the fund as of December 31, 2024;  
8 and

9 (B) the board's actuary shall use a  
10 cost-of-living adjustment assumption of 0.25 percent for purposes  
11 of valuing the cost-of-living adjustment for group A members under  
12 Section 9.04 of this Act;

13 (3) project the corridor midpoint for the next 30  
14 calendar years beginning with the calendar year that begins on  
15 January 1, 2026; and

16 (4) include a schedule of municipal legacy  
17 contribution amounts for 30 calendar years beginning with the  
18 calendar year that begins on January 1, 2026.

19 (c) For purposes of Subsection (b)(4) of this section, the  
20 schedule of municipal legacy contribution amounts must be  
21 determined in such a manner that the total annual municipal legacy  
22 contribution amount for the first three calendar years will result  
23 in a phase-in of the anticipated increase in the municipal  
24 contribution rate from the calendar year that begins on January 1,  
25 2025, to the rate equal to the sum of the estimated municipal  
26 contribution rate for the calendar year that begins on January 1,  
27 2026, and the rate of pensionable payroll equal to the municipal

1 legacy contribution amount for January 1, 2026, determined as if  
2 there was no phase-in of the increase to the municipal legacy  
3 contribution amount. The phase-in must reflect approximately  
4 one-third of the increase each year over the three-year phase-in  
5 period.

6 (d) The municipality's contribution under Section 10.01 of  
7 this Act for:

8 (1) the calendar years that begin on January 1, 2026,  
9 January 1, 2027, and January 1, 2028, must be adjusted to reflect  
10 the impact of the phase-in prescribed by this section; and

11 (2) each calendar year that begins on January 1, 2029,  
12 through January 1, 2055, must reflect a municipal legacy  
13 contribution amount that is 2.5 percent greater than the municipal  
14 legacy contribution amount for the preceding calendar year.

15 (e) The estimated municipal contribution rate for the  
16 calendar year that begins on January 1, 2026, must be based on the  
17 projected pensionable payroll, as determined under the initial risk  
18 sharing valuation study required by this section, assuming a  
19 payroll growth rate of 2.5 percent.

20 Sec. 10.06. SUBSEQUENT RISK SHARING VALUATION STUDIES. (a)  
21 The fund shall cause the board's actuary to prepare a risk sharing  
22 valuation study that is dated as of December 31 of each calendar  
23 year beginning with the 2025 calendar year in accordance with this  
24 section and actuarial standards of practice.

25 (b) Each risk sharing valuation study must:

26 (1) be dated as of the last day of the calendar year  
27 for which the study is required to be prepared;

1           (2) calculate the unfunded actuarial accrued  
2 liability of the fund as of the last day of the applicable calendar  
3 year, including the liability layer, if any, associated with the  
4 most recently completed calendar year;

5           (3) calculate the estimated municipal contribution  
6 rate for the following calendar year;

7           (4) determine the municipal contribution rate and the  
8 firefighter contribution rate for the following calendar year,  
9 taking into account any adjustments required under Section 10.07,  
10 10.08, or 10.09 of this Act, as applicable; and

11           (5) except as provided by Subsection (e) of this  
12 section, be based on the assumptions and methods adopted by the  
13 board in accordance with Section 2.14 of this Act, if applicable,  
14 and that are consistent with actuarial standards of practice and  
15 the following principles:

16                   (A) closed layered amortization of liability  
17 layers to ensure that the amortization period for each liability  
18 layer begins 12 months after the date of the risk sharing valuation  
19 study in which the liability layer is first recognized;

20                   (B) each liability layer is assigned an  
21 amortization period;

22                   (C) each liability loss layer will be amortized  
23 over a period of 20 years from the first day of the calendar year  
24 beginning 12 months after the date of the risk sharing valuation  
25 study in which the liability loss layer is first recognized, except  
26 that the legacy liability must be amortized over a 30-year period  
27 beginning January 1, 2026;

1                    (D) each liability gain layer will be amortized  
2 over:

3                    (i) a period equal to the remaining  
4 amortization period on the largest remaining liability loss layer;  
5 or

6                    (ii) if there is no liability loss layer, a  
7 period of 20 years from the first day of the calendar year beginning  
8 12 months after the date of the risk sharing valuation study in  
9 which the liability gain layer is first recognized;

10                   (E) liability layers will be funded according to  
11 the level percent of payroll method;

12                   (F) payroll for purposes of determining the  
13 corridor midpoint, municipal contribution rate, and municipal  
14 legacy contribution amount must be projected using the annual  
15 payroll growth rate assumption adopted by the board of trustees;  
16 and

17                   (G) the municipal contribution rate will be  
18 calculated each calendar year without inclusion of the legacy  
19 liability.

20                   (c) The municipality may contribute an amount in addition to  
21 the scheduled municipal legacy contribution amounts to reduce the  
22 number or amount of scheduled future municipal legacy contribution  
23 payments. If the municipality contributes an additional amount  
24 under this subsection, the board's actuary shall create a new  
25 schedule of municipal legacy contribution amounts that reflects  
26 payment of the additional contribution.

27                   (d) The municipality and the board of trustees may agree on

a written transition plan for resetting the corridor midpoint, firefighter contribution rate, and municipal contribution rate:

(1) if at any time the funded ratio of the fund is equal to or greater than 100 percent; or

(2) for any calendar year after the payoff year of the legacy liability.

(e) Subject to Section 2.14 of this Act, the board may by rule adopt actuarial principles other than those required under Subsection (b)(5) of this section, provided the actuarial principles:

(1) are consistent with actuarial standards of practice;

(2) are approved by the board's actuary; and

(3) do not operate to change the municipal legacy contribution amount.

Sec. 10.07. ADJUSTMENT TO MUNICIPAL CONTRIBUTION RATE IF ESTIMATED MUNICIPAL CONTRIBUTION RATE LOWER THAN CORRIDOR MIDPOINT. (a) Subject to Subsection (b) of this section, for the calendar year beginning January 1, 2026, and for each subsequent calendar year, if the estimated municipal contribution rate is lower than the corridor midpoint, the municipal contribution rate for the applicable year is:

(1) the corridor midpoint if the funded ratio is less than 90 percent; or

(2) the estimated municipal contribution rate if the funded ratio is 90 percent or greater.

(b) The municipal contribution rate may not be lower than

1 the minimum municipal contribution rate.

2 (c) If the funded ratio is equal to or greater than 100  
3 percent:

4 (1) all existing liability layers, including the  
5 legacy liability, are considered fully amortized and paid; and

6 (2) the municipal legacy contribution amount may no  
7 longer be included in the municipal contribution under Section  
8 10.01 of this Act.

9 Sec. 10.08. ADJUSTMENT TO MUNICIPAL CONTRIBUTION RATE IF  
10 ESTIMATED MUNICIPAL CONTRIBUTION RATE EQUAL TO OR GREATER THAN  
11 CORRIDOR MIDPOINT. For the calendar year beginning January 1,  
12 2026, and for each subsequent calendar year, if the estimated  
13 municipal contribution rate is equal to or greater than the  
14 corridor midpoint and:

15 (1) less than or equal to the maximum municipal  
16 contribution rate for the corresponding calendar year, the  
17 municipal contribution rate is the estimated municipal  
18 contribution rate; or

19 (2) greater than the maximum municipal contribution  
20 rate for the corresponding calendar year, the municipal  
21 contribution rate is the maximum municipal contribution rate.

22 Sec. 10.09. INCREASED FIREFIGHTER CONTRIBUTION RATE IF  
23 ESTIMATED MUNICIPAL CONTRIBUTION RATE GREATER THAN MAXIMUM  
24 MUNICIPAL CONTRIBUTION RATE. (a) This section governs the  
25 determination of the firefighter contribution rate applicable in a  
26 calendar year under Section 10.011 of this Act if the estimated  
27 municipal contribution rate determined under Section 10.06(b)(3)

1 of this Act is greater than the maximum municipal contribution  
2 rate.

3 (b) Except as provided by Subsection (c) of this section, if  
4 the estimated municipal contribution rate is greater than the  
5 corridor maximum, the firefighter contribution rate will increase  
6 by an amount equal to the difference between the following:

7 (1) the estimated municipal contribution rate; and

8 (2) the maximum municipal contribution rate.

9 (c) The firefighter contribution rate may not be increased  
10 by more than two percentage points under this section.

11 (d) If the estimated municipal contribution rate is more  
12 than two percentage points greater than the maximum municipal  
13 contribution rate, the municipality and the board of trustees shall  
14 enter into discussions to determine additional funding solutions.

15 SECTION 53. Section 11.03(b), Chapter 183 (S.B. 598), Acts  
16 of the 64th Legislature, Regular Session, 1975 (Article 6243e.1,  
17 Vernon's Texas Civil Statutes), is amended to read as follows:

18 (b) The board of trustees may not adopt an amendment to the  
19 investment policy adopted under this section unless the proposed  
20 amendment is approved by the affirmative vote ~~[of a majority of the~~  
21 ~~members]~~ of the board ~~[at not fewer than three regular meetings of~~  
22 ~~the board]~~.

23 SECTION 54. Section 12.01, Chapter 183 (S.B. 598), Acts of  
24 the 64th Legislature, Regular Session, 1975 (Article 6243e.1,  
25 Vernon's Texas Civil Statutes), is amended to read as follows:

26 Sec. 12.01. EXECUTIVE DIRECTOR ~~[ADMINISTRATOR]~~ AND  
27 EMPLOYEES. The board of trustees shall appoint an executive

1 director [~~administrator~~] who shall administer the fund under the  
2 supervision and direction of the board of trustees. The board of  
3 trustees shall employ such other employees as are required for the  
4 efficient administration of the fund.

5 SECTION 55. Sections 12.03(a) and (e), Chapter 183 (S.B.  
6 598), Acts of the 64th Legislature, Regular Session, 1975 (Article  
7 6243e.1, Vernon's Texas Civil Statutes), are amended to read as  
8 follows:

9 (a) The board of trustees shall engage [~~employ~~] an actuary  
10 who may be the consultant and technical advisor to the board of  
11 trustees regarding the operation of the fund and may perform such  
12 duties as may be required by the board.

13 (e) An actuary engaged [~~employed~~] under this section must be  
14 a fellow of the Society of Actuaries, a member of the American  
15 Academy of Actuaries, or an enrolled actuary under the federal  
16 Employee Retirement Income Security Act of 1974 (29 U.S.C. Section  
17 1001 et seq.).

18 SECTION 56. Section 12.07, Chapter 183 (S.B. 598), Acts of  
19 the 64th Legislature, Regular Session, 1975 (Article 6243e.1,  
20 Vernon's Texas Civil Statutes), is amended to read as follows:

21 Sec. 12.07. AUDITS; ENGAGEMENT [~~EMPLOYMENT~~] OF CERTIFIED  
22 PUBLIC ACCOUNTANTS. The board of trustees shall engage [~~employ~~] a  
23 certified public accountant or firm of certified public accountants  
24 to perform an audit of the fund at least annually. The municipality  
25 may pay the entire cost of an audit. If not paid by the  
26 municipality, the cost may be paid from the assets of the fund.

27 SECTION 57. The following provisions of Chapter 183 (S.B.

598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), are repealed:

(1) Sections 5.04(b-1) and (c);

(2) Section 7.07;

(3) Section 8.05(b); and

(4) Sections 9.04(a-4), (b), and (b-1).

SECTION 58. (a) In this section, "board of trustees" has the meaning assigned by Section 1.02(3), Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes).

(b) Section 2.02, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), as amended by this Act, does not affect the term of a member of the board of trustees elected under that section, as that section existed immediately before the effective date of this Act, and serving on the board of trustees on the effective date of this Act.

(c) When the term of the member of the board of trustees elected under Section 2.02(3), Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), as that section existed immediately before the effective date of this Act, who has a term that expires in December 2025, expires:

(1) the resulting vacancy on the board of trustees and the new position on the board of trustees created by the amendment of Section 2.02(3), Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's

1 Texas Civil Statutes), shall be filled by election of the members of  
2 the fund in accordance with Section 2.03, Chapter 183 (S.B. 598),  
3 Acts of the 64th Legislature, Regular Session, 1975 (Article  
4 [6243e.1](#), Vernon's Texas Civil Statutes), as amended by this Act, by  
5 an election held in November 2025;

6 (2) the candidate who receives the highest number of  
7 votes in the election shall serve a four-year term, ending in  
8 December 2029; and

9 (3) notwithstanding Section 2.03(e), Chapter 183  
10 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975  
11 (Article [6243e.1](#), Vernon's Texas Civil Statutes), as amended by  
12 this Act, the candidate who receives the second highest number of  
13 votes in the election shall serve an initial three-year term,  
14 ending in December 2028.

15 (d) As soon as practicable after September 1, 2025, the  
16 governing body of a municipality subject to Chapter 183 (S.B. 598),  
17 Acts of the 64th Legislature, Regular Session, 1975 (Article  
18 [6243e.1](#), Vernon's Texas Civil Statutes), shall appoint a member to  
19 the board of trustees under Section 2.02(a)(4), Chapter 183 (S.B.  
20 598), Acts of the 64th Legislature, Regular Session, 1975 (Article  
21 [6243e.1](#), Vernon's Texas Civil Statutes), as added by this Act, to  
22 serve a term beginning January 1, 2026.

23 SECTION 59. This Act takes effect September 1, 2025.