

By: Flores

S.B. No. 1396

A BILL TO BE ENTITLED

AN ACT

relating to claims for financial assistance for survivors of certain public employees killed in the line of duty.

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

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

Sec. 615.041. CONSIDERATION AND DETERMINATION [~~PROOF~~] OF CLAIM; COMPELLED COMPLIANCE. (a) As soon as practicable after the death of an individual listed under Section 615.003 that occurs in the performance of duties in the individual's position as described by Section 615.003 or as a result of an action that occurs while the individual is performing those duties [~~is claimed to meet the requirements of Section 615.021(1)]~~, the individual's employing entity shall furnish to the board of trustees of the Employees Retirement System of Texas proof of the death in the form and with additional evidence and information required by the board.

(b) The board of trustees shall consider the proof, evidence, and information provided under Subsection (a) and determine whether the individual's death satisfies the eligibility requirements established under Section 615.021(a)(1) and justifies the payment of assistance to the individual's eligible survivors under this chapter.

(c) If the individual's employing entity fails to comply with Subsection (a), the attorney general may use any means

1 authorized by law, including filing suit for a writ of mandamus
2 against the employer, to compel the employer's compliance with this
3 section.

4 SECTION 2. Section 615.041, Government Code, as amended by
5 this Act, applies to the payment of assistance in connection with a
6 death that occurs on or after the effective date of this Act. The
7 payment of assistance in connection with a death that occurs before
8 the effective date of this Act is governed by the law in effect
9 immediately before the effective date of this Act, and that law is
10 continued in effect for that purpose.

11 SECTION 3. This Act takes effect September 1, 2019.