

SENATE AMENDMENTS

2nd Printing

By: Hefner, Lang, King of Parker, Guillen,
Herrero, et al.

H.B. No. 872

A BILL TO BE ENTITLED

AN ACT

relating to financial assistance paid to the survivors of certain
law enforcement officers and other 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 any
additional information required by the rules adopted in accordance
with Section 615.002, to 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.

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

6 SECTION 2. Section 615.121(a), Government Code, is amended
7 to read as follows:

8 (a) The state shall pay the following benefits to an
9 eligible surviving spouse of a peace officer, a jailer, a county
10 jailer or guard, or an employee of the Texas Department of Criminal
11 Justice, as described by Section 615.003(1), (4), ~~[or]~~ (6), or (7),
12 who was killed in the line of duty and who had not qualified for an
13 annuity under an employees' retirement plan:

14 (1) funeral expenses related to the deceased person
15 ~~[officer or employee]~~; and

16 (2) monthly payments that equal the greater of:

17 (A) the monthly annuity payment the deceased
18 person ~~[officer or employee]~~ would have received if the deceased
19 person ~~[officer or employee]~~ had survived, had retired on the last
20 day of the month in which the person ~~[officer or employee]~~ died, and
21 had been eligible to receive an annuity under an employees'
22 retirement plan; or

23 (B) the minimum monthly annuity payment the
24 deceased person ~~[officer or employee]~~ would have received if the
25 person ~~[officer or employee]~~ had been employed by the state for 10
26 years, had been paid a salary at the lowest amount provided by the
27 General Appropriations Act for a position of peace officer, jailer,

1 county jailer or guard, or employee of the Texas Department of
2 Criminal Justice, as described by Section 615.003(1), (4), ~~or~~
3 (6), or (7), and had been eligible to retire under the Employees
4 Retirement System of Texas.

5 SECTION 3. Section 615.041, Government Code, as amended by
6 this Act, applies to the payment of assistance in connection with a
7 death that occurs on or after the effective date of this Act. The
8 payment of assistance in connection with a death that occurs before
9 the effective date of this Act is governed by the law in effect
10 immediately before the effective date of this Act, and that law is
11 continued in effect for that purpose.

12 SECTION 4. Section 615.121(a), Government Code, as amended
13 by this Act, applies to a payment of assistance to survivors of
14 certain law enforcement officers and employees on or after the
15 effective date of this Act regardless of the date the officer or
16 employee died.

17 SECTION 5. This Act takes effect September 1, 2019.

ADOPTED

MAY 21 2019

Leroy Spaw
Secretary of the Senate

By: Flores

H.B. No. 872

Substitute the following for __.B. No. ____:

By: Huffman

C.S. H.B. No. 872

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3 law enforcement officers and other public employees killed in the
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5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

8 Sec. 615.041. CONSIDERATION AND DETERMINATION [~~PROOF~~] OF
9 CLAIM; COMPELLED COMPLIANCE. (a) Not later than the 30th day [~~As~~
10 ~~soon as practicable~~] after the date of the death of an individual
11 listed under Section 615.003 that occurs in the performance of
12 duties in the individual's position as described by Section 615.003
13 or as a result of an action that occurs while the individual is
14 performing those duties [~~is claimed to meet the requirements of~~
15 ~~Section 615.021(1)~~], the individual's employing entity shall
16 furnish to the board of trustees of the Employees Retirement System
17 of Texas proof of the death in the form and with additional evidence
18 and information required by the board. The employing entity shall
19 furnish the evidence and information required under this subsection
20 regardless of whether the employing entity believes the
21 individual's death satisfies the eligibility requirements
22 established under Section 615.021(a)(1).

23 (b) The board of trustees shall consider the proof,
24 evidence, and information provided under Subsection (a), and any

1 additional information required by the rules adopted in accordance
2 with Section 615.002, to determine whether the individual's death
3 satisfies the eligibility requirements established under Section
4 615.021(a)(1) and justifies the payment of assistance to the
5 individual's eligible survivors under this chapter.

6 (c) If the individual's employing entity fails to comply
7 with Subsection (a), the attorney general may use any means
8 authorized by law, including filing suit for a writ of mandamus
9 against the employer, to compel the employer's compliance with this
10 section.

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12 to read as follows:

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14 eligible surviving spouse of a peace officer, a jailer, a county
15 jailer or guard, or an employee of the Texas Department of Criminal
16 Justice, as described by Section 615.003(1), (4), ~~or~~ (6), or (7),
17 who was killed in the line of duty and who had not qualified for an
18 annuity under an employees' retirement plan:

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20 ~~[officer or employee]~~; and

21 (2) monthly payments that equal the greater of:

22 (A) the monthly annuity payment the deceased
23 person ~~[officer or employee]~~ would have received if the deceased
24 person ~~[officer or employee]~~ had survived, had retired on the last
25 day of the month in which the person ~~[officer or employee]~~ died, and
26 had been eligible to receive an annuity under an employees'
27 retirement plan; or

1 (B) the minimum monthly annuity payment the
2 deceased person [~~officer or employee~~] would have received if the
3 person [~~officer or employee~~] had been employed by the state for 10
4 years, had been paid a salary at the lowest amount provided by the
5 General Appropriations Act for a position of peace officer, jailer,
6 county jailer or guard, or employee of the Texas Department of
7 Criminal Justice, as described by Section 615.003(1), (4), [~~or~~]
8 (6), or (7), and had been eligible to retire under the Employees
9 Retirement System of Texas.

10 SECTION 3. Section 615.041, Government Code, as amended by
11 this Act, applies to the payment of assistance in connection with a
12 death that occurs on or after the effective date of this Act. The
13 payment of assistance in connection with a death that occurs before
14 the effective date of this Act is governed by the law in effect
15 immediately before the effective date of this Act, and that law is
16 continued in effect for that purpose.

17 SECTION 4. Section 615.121(a), Government Code, as amended
18 by this Act, applies to a payment of assistance to survivors of
19 certain law enforcement officers and employees on or after the
20 effective date of this Act regardless of the date the officer or
21 employee died.

22 SECTION 5. This Act takes effect September 1, 2019.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 21, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB872 by Hefner (Relating to financial assistance paid to the survivors of certain law enforcement officers and other public employees killed in the line of duty.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Government Code regarding financial assistance paid to the survivors of individuals killed in the line of duty. It is assumed that the provisions of the bill could be absorbed using existing resources.

Local Government Impact

According to the Texas Association of Counties and the Texas Municipal League, no significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 327 Employees Retirement System,
 304 Comptroller of Public Accounts, 409 Commission on Jail Standards,
 696 Department of Criminal Justice

LBB Staff: WP, SD, CMa, NV, KFB, KK, LCO, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 10, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB872 by Hefner (relating to financial assistance paid to the survivors of certain law enforcement officers and other public employees killed in the line of duty.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Government Code regarding financial assistance paid to the survivors of individuals killed in the line of duty. It is assumed that the provisions of the bill could be absorbed using existing resources.

Local Government Impact

According to the Texas Association of Counties and the Texas Municipal League, no significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 327 Employees Retirement System,
 304 Comptroller of Public Accounts, 409 Commission on Jail Standards,
 696 Department of Criminal Justice

LBB Staff: WP, CMa, NV, KFB, KK, LCO, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 8, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB872 by Hefner (Relating to financial assistance paid to the survivors of certain law enforcement officers and other public employees killed in the line of duty.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Government Code regarding financial assistance paid to the survivors of individuals killed in the line of duty. It is assumed that the provisions of the bill could be absorbed using existing resources.

Local Government Impact

According to the Texas Association of Counties and the Texas Municipal League, no significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 327 Employees Retirement System,
 304 Comptroller of Public Accounts, 409 Commission on Jail Standards,
 696 Department of Criminal Justice

LBB Staff: WP, CMa, NV, KFB, KK, LCO, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 6, 2019

TO: Honorable John Zerwas, Chair, House Committee on Appropriations

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB872 by Hefner (Relating to financial assistance paid to the survivors of certain law enforcement officers and employees killed in the line of duty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Government Code regarding financial assistance paid to the survivors of certain jailers killed in the line of duty. It is assumed that the provisions of the bill could be absorbed using existing resources.

Local Government Impact

According to the Texas Association of Counties and the Texas Municipal League, no significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 327 Employees Retirement System,
 409 Commission on Jail Standards, 696 Department of Criminal Justice

LBB Staff: WP, KK, NV, KFB, LCO, AF