

**House Bill 872**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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.

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

SENATE VERSION (CS)

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) Not later than the 30th day [As soon as practicable] after the date of 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. The employing entity shall furnish the evidence and information required under this subsection regardless of whether the employing entity believes the individual's death satisfies the eligibility requirements established under Section 615.021(a)(1).

(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.

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

CONFERENCE

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HOUSE VERSION

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

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

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

(2) monthly payments that equal the greater of:

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

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

SENATE VERSION (CS)

SECTION 2. Same as House version.

CONFERENCE

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HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
SECTION 3. Section 615.041, Government Code, as amended by this Act, applies to the payment of assistance in connection with a death that occurs on or after the effective date of this Act. The payment of assistance in connection with a death that occurs before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.	SECTION 3. Same as House version.	
SECTION 4. Section 615.121(a), Government Code, as amended by this Act, applies to a payment of assistance to survivors of certain law enforcement officers and employees on or after the effective date of this Act regardless of the date the officer or employee died.	SECTION 4. Same as House version.	
SECTION 5. This Act takes effect September 1, 2019.	SECTION 5. Same as House version.	