

AN ACT

relating to certain disability and death benefits payable by the public retirement systems for police and fire fighters in certain municipalities.

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

SECTION 1. This Act may be cited as the David Walters Act.

SECTION 2. Section 6.04(f), Article 6243a-1, Revised Statutes, is amended to read as follows:

(f) Subject to Subsections (f-1), (f-3), and (g) of this section, the disability pension of a Group B member shall be calculated as follows:

(1) for a member who began active service before March 1, 2011, the member's disability pension shall be the sum of:

(A) the member's number of years of pension service earned before September 1, 2017, prorated for fractional years, times three percent of the average computation pay determined over the 36 consecutive months of pension service in which the member received the highest computation pay; plus

(B) the number of years of pension service, including pension service credit imputed under Section 6.05(c) of this article, earned on or after September 1, 2017, prorated for fractional years, times 2.5 percent [~~the applicable percentage prescribed by Section 6.02(b-1) of this article~~] of the average computation pay determined over the 60 consecutive months of

1 pension service in which the member received the highest  
2 computation pay; or

3 (2) for a member who began active service on or after  
4 March 1, 2011, the member's disability pension shall be the number  
5 of years of pension service, including pension service credit  
6 imputed under Section 6.05(c) of this article, prorated for  
7 fractional years, times 2.5 percent of the average computation pay  
8 determined over the 60 consecutive months of pension service in  
9 which the member received the highest computation pay.

10 SECTION 3. Section 6.08, Article 6243a-1, Revised Statutes,  
11 is amended by amending Subsections (b) and (b-2) and adding  
12 Subsections (b-4) and (b-5) to read as follows:

13 (b) Subject to Subsection (b-2) of this section, death  
14 benefits shall be computed as follows for the qualified survivors  
15 of Group B members who die while on active service:

16 (1) the death benefit of a qualified survivor who is  
17 the spouse of a member who began active service:

18 (A) before March 1, 2011, shall be the sum of:

19 (i) the number of years of pension service  
20 earned before September 1, 2017, prorated for fractional years,  
21 times, except as provided by Subsection (b-4) of this section, 1.5  
22 percent of the average computation pay determined over the 36  
23 consecutive months of pension service in which the Group B member  
24 received the highest computation pay; plus

25 (ii) the number of years of pension  
26 service, including pension service credit imputed under Section  
27 6.05(c) of this article, after September 1, 2017, prorated for

1 fractional years, times, except as provided by Subsection (b-4) of  
 2 this section, 1.25 percent [~~the applicable percentage rate set~~  
 3 ~~forth below~~] of the average computation pay determined over the 60  
 4 consecutive months of pension service in which the Group B member  
 5 received the highest computation pay[+]

6 [ <del>Age of Member When Retirement Pension Begins</del>	<u>Percent</u>
7 [ <del>58 and older</del>	<u>1.25%</u>
8 [ <del>57</del>	<u>1.2%</u>
9 [ <del>56</del>	<u>1.15%</u>
10 [ <del>55</del>	<u>1.10%</u>
11 [ <del>54</del>	<u>1.05%</u>
12 [ <del>53 and younger</del>	<u>1.0%</u> ]; or

13 (B) on or after March 1, 2011, shall be the number  
 14 of years of pension service, including pension service imputed  
 15 under Section 6.05(c) of this article, prorated for fractional  
 16 years, times, except as provided by Subsection (b-4) of this  
 17 section, 1.25 percent of the average computation pay determined  
 18 over the 60 consecutive months of pension service in which the Group  
 19 B member received the highest computation pay;

20 (2) the death benefit of qualified survivors who are a  
 21 member's children shall be computed in the same manner as a spouse's  
 22 benefit is computed under Subdivision (1)(A) or (B) of this  
 23 subsection, as applicable, and shall be divided equally among all  
 24 of the children who are qualified survivors; and

25 (3) the death benefit of each qualified survivor who  
 26 is a member's dependent parent shall be computed in the same manner  
 27 as a spouse's Group B benefit is computed under Subdivision (1)(A)

1 or (B) of this subsection, as applicable.

2 (b-2) The death benefit calculated under Subsection (b) of  
3 this section may not exceed the greater of:

4 (1) except as provided by Subsection (b-4) of this  
5 section, 45 percent of the member's average computation pay  
6 determined over the 36 or 60 consecutive months, as applicable, in  
7 which the Group B member received the highest computation pay; or

8 (2) the vested and accrued death benefit as determined  
9 on August 31, 2017.

10 (b-4) If a member dies in the line of duty, as determined by  
11 the board under Subsection (b-5) of this section, the percentage  
12 rate applied to the member's average computation pay under:

13 (1) Subsection (b)(1)(A)(i) of this section is 3  
14 percent instead of 1.5 percent at such time as there are qualified  
15 survivors who are either the member's children or surviving spouse,  
16 but not both;

17 (2) Subsection (b)(1)(A)(ii) of this section is 2.5  
18 percent instead of 1.25 percent at such time as there are qualified  
19 survivors who are either the member's children or surviving spouse,  
20 but not both;

21 (3) Subsection (b)(1)(B) of this section is 2.5  
22 percent instead of 1.25 percent at such time as there are qualified  
23 survivors who are either the member's children or surviving spouse,  
24 but not both; and

25 (4) Subsection (b-2)(1) is 90 percent instead of 45  
26 percent.

27 (b-5) A member is considered to have died in the line of duty

1 if the member's death is caused by the performance of the member's  
2 duties for the member's department. The board shall determine  
3 whether a member died in the line of duty. In making a determination  
4 under this subsection, the board may consider as guidance the  
5 determination of the same or similar issue made by another  
6 governmental entity.

7 SECTION 4. Section 6.04(f), Article 6243a-1, Revised  
8 Statutes, as amended by this Act, applies only to a disability  
9 pension for which an application is filed on or after the effective  
10 date of this Act. A disability pension for which an application is  
11 filed before the effective date of this Act is governed by the law  
12 in effect immediately before the effective date of this Act, and the  
13 former law is continued in effect for that purpose.

14 SECTION 5. (a) In this section, "board" and "member" have  
15 the meanings assigned by Section 2.01, Article 6243a-1, Revised  
16 Statutes.

17 (b) Subject to Subsection (c) of this section, Section 6.08,  
18 Article 6243a-1, Revised Statutes, as amended by this Act, applies  
19 only to a death benefit payable on or after the effective date of  
20 this Act.

21 (c) If a member died in the line of duty before September 1,  
22 2023, as determined by the board in accordance with Section  
23 6.08(b-5), Article 6243a-1, Revised Statutes, as added by this Act,  
24 the death benefit payable on or after September 1, 2023, to the  
25 member's surviving spouse or children shall be adjusted in  
26 accordance with Section 6.08(b-4), Article 6243a-1, Revised  
27 Statutes, as added by this Act, as applicable. The surviving spouse

1 or children of a member described by this subsection are not  
2 entitled to payment of any adjusted benefits relating to death  
3 benefits paid before September 1, 2023.

4 SECTION 6. This Act takes effect September 1, 2023.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 4034 was passed by the House on May 2, 2023, by the following vote: Yeas 140, Nays 4, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4034 on May 24, 2023, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4034 was passed by the Senate, with amendments, on May 18, 2023, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor