

By: Johnson of Dallas

H.B. No. 4034

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain disability and death benefits payable by the  
3 public retirement systems for police and fire fighters in certain  
4 municipalities.

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

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

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

11 (1) for a member who began active service before March  
12 1, 2011, the member's disability pension shall be the sum of:

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

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

1 computation pay; or

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

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

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

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

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

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

24 (ii) the number of years of pension  
25 service, including pension service credit imputed under Section  
26 6.05(c) of this article, after September 1, 2017, prorated for  
27 fractional years, times, except as provided by Subsection (b-4) of

1 this section, 1.25 percent [~~the applicable percentage rate set~~  
 2 ~~forth below~~] of the average computation pay determined over the 60  
 3 consecutive months of pension service in which the Group B member  
 4 received the highest computation pay[+]

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

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

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

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

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

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

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

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

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

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

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

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

26 (b-5) A member is considered to have died in the line of duty  
27 if the member's death is caused by the performance of the member's

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

6 SECTION 3. The changes in law made by this Act apply only to  
7 a disability pension or death benefit for which an application is  
8 filed on or after the effective date of this Act. A disability  
9 pension or death benefit for which an application is filed before  
10 the effective date of this Act is governed by the law in effect  
11 immediately before the effective date of this Act, and the former  
12 law is continued in effect for that purpose.

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