

By: Johnson

S.B. No. 2416

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[+

5 [Age of Member When Retirement Pension Begins	Percent
6 [58 and older	1.25%
7 [57	1.2%
8 [56	1.15%
9 [55	1.10%
10 [54	1.05%
11 [53 and younger	1.0%]; 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.