

By: Metcalf, Plesa, et al.

H. B. No. 4534

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain death benefits for certain public safety
3 officers under public retirement systems.

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

5 SECTION 1. Chapter 810, Government Code, is amended by
6 adding Section 810.007 to read as follows:

7 Sec. 810.007. LUMP-SUM DEATH BENEFIT FOR PUBLIC SAFETY

8 OFFICERS. (a) In this section:

19 (b) Notwithstanding any other law, the governing body of a
20 public retirement system by rule may provide a death benefit in the
21 event of the death of an active member of the system who is a public
22 safety officer and who dies as the direct and proximate result of a
23 personal injury associated with a single event and sustained in the
24 performance of a member's employment duties as a public safety

1 officer.

2 (c) The death benefit under Subsection (b) is payable in a
3 lump sum not to exceed \$1,000,000 to the member's surviving spouse,
4 or if the member has no surviving spouse, to the member's surviving
5 children. If the member has no surviving spouse or surviving
6 children at the time of the member's death, the benefit is payable
7 to the member's estate. If a member has more than one surviving
8 child who is entitled to the benefit, the benefit must be split
9 equally between each of the member's surviving children.

10 (d) The rule adopted under Subsection (b) must:

11 (1) require the governing body of a public retirement
12 system to ensure, after consulting with the system's actuary, that
13 payment of the death benefit would not threaten the actuarial
14 soundness of the system; and

15 (2) prohibit the system from paying the benefit if
16 paying the benefit would threaten the actuarial soundness of the
17 system.

18 (e) If the public retirement system does not employ an
19 actuary, the system may contract with an actuary for purposes of
20 Subsection (d).

21 (f) If the governing body of a public retirement system
22 adopts a death benefit under Subsection (b), the governing body
23 shall revise the system's plan documents as necessary to ensure
24 that the system's benefit plan remains a qualified plan under
25 Section 401(a), Internal Revenue Code of 1986.

26 SECTION 2. Section 810.007, Government Code, as added by
27 this Act, applies only to a death occurring on or after the

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1 effective date of this Act.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2025.