

By: Metcalf

H.B. No. 4534

Substitute the following for H.B. No. 4534:

By: Bumgarner

C.S.H.B. No. 4534

A BILL TO BE ENTITLED

AN ACT

relating to certain death benefits for peace officers under public retirement systems.

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

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

Sec. 810.007. LUMP-SUM DEATH BENEFIT FOR PEACE OFFICERS.

(a) In this section, "governing body of a public retirement system" and "public retirement system" have the meanings assigned by Section 802.001.

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

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

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

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

6                (2) prohibit the system from paying the benefit if  
7 paying the benefit would threaten the actuarial soundness of the  
8 system.

9        (e) If the public retirement system does not employ an  
10 actuary, the system may contract with an actuary for purposes of  
11 Subsection (d).

12        (f) If the governing body of a public retirement system  
13 adopts a death benefit under Subsection (b), the governing body  
14 shall revise the system's plan documents as necessary to ensure  
15 that the system's benefit plan remains a qualified plan under  
16 Section 401(a), Internal Revenue Code of 1986.

17        SECTION 2. Section 810.007, Government Code, as added by  
18 this Act, applies only to a death occurring on or after the  
19 effective date of this Act.

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