

## **BILL ANALYSIS**

Senate Research Center  
77R15684 YDB-D

C.S.H.B. 877  
By: Flores (Barrientos)  
State Affairs  
5-10-2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Under current law, the Employees Retirement System of Texas (ERS) does not provide benefits to the surviving spouses and minor children (survivor) of state peace officers or employees of the institutional division or state jail division of the Texas Department of Criminal Justice (employees) killed in the line of duty, and who have not yet vested in ERS at the time of death. Providing survivor benefits to the beneficiaries of deceased officers and employees would help to ease the financial burden that compounds a surviving family's emotional difficulties. C.S.H.B. 877 provides survivor benefits for the families of state peace officers and employees killed in the line of duty.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Employees Retirement System of Texas in SECTION 2 (Section 615.121, Government Code) in this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 615.023, Government Code, by adding Subsection (d) to provide that assistance payable under this section to a minor child of a peace officer or employee of the institutional division or state jail division of the Texas Department of Criminal Justice (department), as described by Section 615.003(1) or (6), is not dependent on the deceased peace officer or employee being vested in the Employees Retirement System of Texas (system) before death.

SECTION 2. Amends Chapter 615, Government Code, by adding Subchapter F, as follows:

#### **SUBCHAPTER F. ADDITIONAL BENEFITS FOR SURVIVOR OF PEACE OFFICER**

Sec. 615.121. PAYMENT TO SURVIVING SPOUSE. Requires the state to pay certain benefits to an eligible surviving spouse of a peace officer or an employee of the institutional division or state jail division of the department, as described by Section 615.003(1) or (6), who was killed in the line of duty and who had not qualified for an annuity under an employees' retirement plan. Provides that the surviving spouse is entitled to continue to receive monthly payments under this section until the earlier of the date the surviving spouse remarries, the date the surviving spouse becomes eligible for retirement under an employees' retirement plan, or the date the surviving spouse becomes eligible for Social Security benefits. Authorizes the system to require the surviving spouse to provide information as necessary to administer this section. Authorizes the system to adopt rules necessary to administer this section including certain rules. Requires the system to apply reduction factors, as applicable to an annuity payable under this section, in the same manner the factors are applied to a death benefit plan administered by the system.

Sec. 615.122. PAYMENT TO SURVIVING MINOR CHILDREN. Requires the state to pay to the guardian or other legal representative of those children the funeral expenses of the deceased officer or employee, if an eligible surviving spouse who would be entitled to benefits under Section 615.121 does not exist but one or more eligible surviving minor children of the

deceased peace officer or employee of the institutional division or state jail division of the department, as described by Section 615.003(1) or (6), do exist.

Sec. 615.123. BENEFITS ADDITIONAL. Provides that the benefits provided by this subchapter are in addition to any other benefits provided by this chapter.

SECTION 3. Provides that Chapter 615F, Government Code, as added by this Act, applies only to the payment of benefits in relation to a peace officer or employee killed in the line of duty on or after September 1, 2001.

SECTION 4. Effective date: September 1, 2001.