

## CHAPTER 367

## H.B. No. 2164

## AN ACT

relating to benefits from fire and police retirement systems in certain cities.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 11, Chapter 105, Acts of the 47th Legislature, Regular Session, 1941 (Article 6243f, Vernon's Texas Civil Statutes), is amended by adding Subsections (g), (h), and (i) to read as follows:

(g) *In this Act, the term "widow" includes a widower.*

(h) *A member of the fund has, in addition to all rights accruing from the person's membership, the same right to receive benefits as a beneficiary that a nonmember who is a beneficiary has in similar circumstances, if the member's spouse also is a member of the fund.*

(i) *The death benefit pension to which a widow or widower of a member of the fund is entitled is the same percentage of the member's average total salary that the member would have been entitled to receive as a retirement pension, except that the percentage may not exceed the percentage to which a member with 25 years of service credit would be entitled, or 50 percent.*

SECTION 2. Subsection (2), Section 26A, Chapter 105, Acts of the 47th Legislature, Regular Session, 1941 (Article 6243f, Vernon's Texas Civil Statutes), is amended to read as follows:

(2) The board shall annually, beginning in 1980, at or before its regular meeting in the month of March, review the Cost of Living Indexes of the United States Bureau of Labor Statistics for the preceding calendar year. If such index should report an increase [~~or decrease~~] during such calendar year in the cost of living [~~as much as three percent~~] as compared with the Cost of Living Index at the close of the previous year the board shall enter its order increasing [~~or decreasing~~] all pension payments by *one* [~~three~~] percent, or more [~~(depending on the amount of increase, or decrease)~~] but only by full percentage points closest to the exact amount of such increase [~~or decrease~~]; provided, however, that any increased pension payments shall only be at the rate of 75 percent of the applicable cost of living percentage for each such year for those pensioners, [~~(and the beneficiaries of such pensioners, )~~] who were pensioned on and after August 30, 1971, and none other. Such increase [~~or decrease~~] shall be effective retroactively as of the month of January next preceding such March, [~~(or earlier, )~~] board meeting and shall continue in effect for at least one full year thereafter, and until there has been an additional increase [~~or decrease of at least three percent compared~~] to such base figure and until the board enters a further order as provided herein. The cost of living increase paid to any pensioner or beneficiary of a member or pensioner during the first full year after the effective date of any such retirement or beneficiary pension shall be prorated. [~~It is further provided that no pension shall ever be decreased below the amount at which it was originally granted, except pursuant to the provisions of Sections 11 and 15 of this Act. That part of any pension hereunder which is attributable to cost of living increases granted under this subsection at any time may be decreased in accordance with decreases in the cost of living, as provided above.~~]

SECTION 3. The change in the law made by Section 1 of this Act in the eligibility for and amount of death benefit pensions applies to all monthly payments that become due, beginning in the month after the month in which this Act takes effect, to beneficiaries who are on the rolls of the pension fund on or after the effective date of this Act.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 30, 1987, by a non-record vote. Passed by the Senate on

May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 11, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.