

By: Gonzales

H.B. No. 442

A BILL TO BE ENTITLED

AN ACT

relating to assignment of certain death benefits payable by the Employees Retirement System of Texas.

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

SECTION 1. Subchapter E, Chapter 814, Government Code, is amended by adding Section 814.404 to read as follows:

Sec. 814.404. ASSIGNMENT OF DEATH BENEFIT FOR FUNERAL SERVICES. (a) A beneficiary to whom a benefit is payable under this subchapter may by assignment provide that part or all of the benefit be paid in consideration for services provided in connection with the death of the member directly to a funeral director or funeral establishment licensed under:

(1) Chapter 651, Occupations Code; or

(2) the comparable law of another state.

(b) The board of trustees by rule may establish requirements for forms, documentation, and procedures necessary for an effective assignment under this section.

SECTION 2. Subchapter F, Chapter 814, Government Code, is amended by adding Section 814.507 to read as follows:

Sec. 814.507. ASSIGNMENT OF DEATH BENEFIT FOR FUNERAL SERVICES. (a) A beneficiary to whom a benefit is payable under this subchapter may by assignment provide that part or all of the benefit be paid in consideration for services provided in connection with the death of the retiree directly to a funeral

1 director or funeral establishment licensed under:

2 (1) Chapter 651, Occupations Code; or

3 (2) the comparable law of another state.

4 (b) The board of trustees by rule may establish requirements
5 for forms, documentation, and procedures necessary for an effective
6 assignment under this section.

7 SECTION 3. (a) As soon as practicable after the effective
8 date of this Act, but not later than January 1, 2016, the board of
9 trustees of the Employees Retirement System of Texas shall adopt
10 rules to implement Sections 814.404 and 814.507, Government Code,
11 as added by this Act.

12 (b) The change in law made by this Act by the enactment of
13 Sections 814.404 and 814.507, Government Code, applies only to a
14 benefit that is payable on or after January 1, 2016. A benefit that
15 is payable before that date is governed by the law in effect
16 immediately before January 1, 2016, and the former law is continued
17 in effect for that purpose.

18 SECTION 4. (a) Except as provided by Subsection (b) of this
19 section, this Act takes effect September 1, 2015.

20 (b) Sections 814.404 and 814.507, Government Code, as added
21 by this Act, take effect January 1, 2016.