

By: King of Zavala, Guillen, et al.

H.B. No. 741

A BILL TO BE ENTITLED

AN ACT

relating to an exemption from tuition and fees at public institutions of higher education for children of certain volunteer peace officers who are killed or disabled in the line of duty.

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

SECTION 1. The heading to Section 54.204, Education Code, is amended to read as follows:

Sec. 54.204. CHILDREN OF DISABLED FIREFIGHTERS [~~FIREMEN~~] AND LAW ENFORCEMENT [~~PEACE~~] OFFICERS.

SECTION 2. Sections 54.204(a), (b), (g), and (h), Education Code, are amended to read as follows:

(a) In this section:

(1) "Eligible firefighter or law enforcement officer [~~employee~~]" means:

(A) a full-paid or volunteer firefighter;

(B) [~~or~~] a full-paid or volunteer municipal, county, or state peace officer, including [~~or a custodial employee of the Texas Department of Corrections, or~~] a game warden; or

(C) a custodial officer of the Texas Department of Criminal Justice.

(2) "Disability" means inability to engage in any substantial gainful activity by reason of a [~~any~~] medically determinable physical or mental impairment that [~~which~~] can be expected to result in death or to be of long-continued and

1 indefinite duration. A person is ~~[An individual shall]~~ not ~~[be]~~  
 2 considered to be under a disability unless the person provides any  
 3 ~~[he furnishes such]~~ proof of the ~~[its]~~ existence of the disability  
 4 as may be required.

5 (b) The governing board of each institution of higher  
 6 education shall exempt from the payment of all dues, fees, and  
 7 charges any person whose parent is an eligible firefighter or law  
 8 enforcement officer ~~[employee]~~ who has suffered an injury,  
 9 resulting in death or disability, sustained in the line of duty  
 10 according to the regulations and criteria then in effect governing  
 11 the department or agency in which the eligible firefighter or law  
 12 enforcement officer volunteered or ~~[he]~~ was employed. The  
 13 exemption does not apply to general property deposits or to fees or  
 14 charges for lodging, board, or clothing.

15 (g) An eligible firefighter or law enforcement officer  
 16 ~~[employee]~~ whose injury results in a disability shall submit to a  
 17 physical examination by a physician designated by the United States  
 18 Social Security Administration to conduct physical examinations  
 19 and to make disability reports to the Social Security  
 20 Administration. If the physician decides the injury received has  
 21 resulted in a disability, the physician ~~[he]~~ shall certify that  
 22 ~~[this]~~ fact to the head of the department in which the eligible  
 23 firefighter or law enforcement officer volunteers or is employed  
 24 ~~[employs the employee]~~.

25 (h) The head of the department in which the eligible  
 26 firefighter or law enforcement officer volunteered or was employed  
 27 ~~[the eligible employee]~~ at the time the firefighter or law

1 enforcement officer [~~he~~] sustained the injury shall file a  
2 certificate with the Texas Higher Education Coordinating Board[~~7~~  
3 ~~Texas College and University System,~~] on a form prepared by the  
4 board for the purpose. The head of the department shall attach the  
5 certificate of the examining physician if an examination is  
6 required by Subsection (g) of this section. A copy of the  
7 certificate on file with the coordinating board is sufficient  
8 evidence for the institution to grant the exemption.

9       SECTION 3. The change in law made by this Act applies  
10 beginning with dues, fees, and charges imposed by a public  
11 institution of higher education for the 2007 fall semester. Dues,  
12 fees, and charges imposed in a semester or session before the 2007  
13 fall semester are governed by the applicable law in effect before  
14 the effective date of this Act, and that law is continued in effect  
15 for that purpose.

16       SECTION 4. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2007.