

BILL ANALYSIS

Senate Research Center
84R9252 AAF-F

S.B. 691
By: Birdwell
Higher Education
4/2/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Last session, S.B. 220 abolished the office of the fire fighters' pension commissioner, and transferred its function to the Texas Emergency Services Retirement System. This created an unforeseen problem with tuition exemption for members of volunteer fire departments enrolled in fire science courses.

The former language gave exemption to an active member of an organized volunteer fire department "in this state, as defined by the fire fighters' pension commissioner" and who holds Accredited Advanced level of certification from Fire Marshals' Association or a Phase V certification under the Texas Commission on Fire Protection. S.B. 220 changed this language to an organized volunteer fire department "participating in the Texas Emergency Services Retirement System [TESRS] or a retirement system established under the Texas Local Fire Fighters Retirement Act [TLFFR]."

This created a problem, whereby members of volunteer fire departments that do not have the budget or are too small to participate in a retirement system, but otherwise met the intent of the exemption, no longer qualify for tuition exemptions.

S.B. 691 corrects the issue by changing the department's participation in TESRS or TLFFR from a prerequisite of eligibility, to one of the three conditions that must be met by the individual member (in addition to the pre-existing holding of an Accredited Advanced level of certification from Fire Marshals' Association or a Phase V certification under Texas Commission on Fire Protection). The restructuring of language simply changes the definition of an eligible volunteer firefighter to encompass all members of legitimate volunteer fire departments.

As proposed, S.B. 691 amends current law relating to tuition and fee exemptions for certain students enrolled in fire science courses at public institutions of higher education.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 54.353(a), Education Code, as follows:

(a) Requires the governing board of an institution of higher education to exempt from the payment of tuition and laboratory fees any student enrolled in one or more courses offered as part of a fire science curriculum who:

(1) is employed as a firefighter by a political subdivision of this state; or

(2) is currently, and has been for at least one year, an active member of an organized volunteer fire department, rather than an organization volunteer, fire department participating in the Texas Emergency Services Retirement System (TESRS) or a retirement system established under the Texas Local Fire Fighters Retirement Act (Article 6243e, V.T.C.S.), who:

(A) holds an Accredited Advanced level of certification, or an equivalent successor certification, under the State Firefighters', rather than Firemen's, and Fire Marshals' Association of Texas volunteer certification program;

(B) holds a Phase V (Firefighter II) certification, or an equivalent successor certification, under the Texas Commission on Fire Protection's voluntary certification program under Section 419.071 (Voluntary Certification Program for Volunteer Fire Fighters and Fire Departments), Government Code; or

(C) participates in the Texas Emergency Services Retirement System or a retirement system established under the Texas Local Fire Fighters Retirement Act (Article 6243e, V.T.C.S.).

SECTION 2. Provides that Section 54.353(a), Education Code, as amended by this Act, applies beginning with tuition and laboratory fees charged for the 2015 fall semester. Provides that tuition and laboratory fees charged for an academic period before that semester are covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: upon passage or September 1, 2015.