

## **BILL ANALYSIS**

Senate Research Center  
86R1939 MM-D

H.B. 766  
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Higher Education  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the Education Code requires Texas' public institutions of higher education to waive the tuition and fees for the children of peace officers and firefighters who became disabled or were killed in the line of duty. The Education Code also creates an optional tuition exemption for the disabled peace officers themselves. Interested stakeholders report that this inequity is an oversight and disabled first responders should receive a mandatory exemption like their children. H.B. 766 corrects this inequity in two ways. First, it makes the tuition exemption mandatory for permanently disabled peace officers. And second, H.B. 766 adds fire fighters who become permanently disabled as a result of their service.

In this way, H.B. 766 honors the sacrifice of first responders who become permanently disabled while serving their communities.

H.B. 766 amends current law relating to exemptions for disabled peace officers and fire fighters from payment of tuition and fees 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 the heading to Section 54.352, Education Code, to read as follows:

Sec. 54.352. DISABLED PEACE OFFICERS AND FIRE FIGHTERS.

SECTION 2. Amends Sections 54.352(a), (g), and (h), Education Code, as follows:

(a) Requires the governing board of an institution of higher education to exempt a student from the payment of tuition and fees for a course for which space is available, rather than authorizing governing board of an institution of higher education to exempt a student from the payment of tuition and required fees authorized by this chapter (Tuition and Fees) for a course for which space is available, if the student:

(1) makes no changes to this subdivision;

(2) is permanently disabled as a result of an injury suffered during the performance of a duty as:

(A) creates this subdivision from existing text and makes a nonsubstantive change;

(B) a fire fighter, as defined by Section 614.001 (Definitions), Government Code, employed by this state or a political subdivision of this state; and

(3) is unable to continue employment as a peace officer or fire fighter, rather than employment as a peace officer, because of the disability.

(g) Provides that for the purpose of this section, an injury is suffered during the performance of a duty as a peace officer if the injury occurs as a result of the peace officer's performance of any of certain law enforcement duties, rather than defining "injury suffered during the performance of a duty as a peace officer."

(h) Provides that, for the purpose of this section, a person is considered permanently disabled only if the chief administrative officer of the law enforcement agency, fire department, or other entity that employed the person at the time of the injury, as applicable, determines the person is permanently disabled and satisfies any requirement of an institution under Subsection (e) (relating to requiring a person to apply for an exemption in a certain manner and requiring the governing body to require an applicant to submit certain information), rather than providing that, for the purpose of this section, a peace officer is considered permanently disabled only if the chief administrative officer of the law enforcement agency or other entity that employed the officer at the time of the injury determines the officer is permanently disabled and satisfies any requirement of an institution under Subsection (e).

SECTION 3. Provides that the changes in law made by this Act apply to an exemption from tuition and fees beginning with the 2019 fall semester.

SECTION 4. Effective date: upon passage or September 1, 2019.