

1-1 By: Keffer (Senate Sponsor - Hegar) H.B. No. 1163
1-2 (In the Senate - Received from the House April 26, 2011;
1-3 April 29, 2011, read first time and referred to Committee on Higher
1-4 Education; May 19, 2011, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 19, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to tuition and fee exemptions at public institutions of
1-9 higher education for certain peace officers and firefighters.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 54.208, Education Code, as amended by
1-12 Chapters 1285 (H.B. 2013) and 1299 (H.B. 2347), Acts of the 81st
1-13 Legislature, Regular Session, 2009, is reenacted to read as
1-14 follows:

1-15 Sec. 54.208. FIREFIGHTERS ENROLLED IN FIRE SCIENCE COURSES.

1-16 (a) The governing board of an institution of higher education
1-17 shall exempt from the payment of tuition and laboratory fees any
1-18 student enrolled in one or more courses offered as part of a fire
1-19 science curriculum who:

1-20 (1) is employed as a firefighter by a political
1-21 subdivision of this state; or

1-22 (2) is currently, and has been for at least one year,
1-23 an active member of an organized volunteer fire department in this
1-24 state, as defined by the fire fighters' pension commissioner, who
1-25 holds:

1-26 (A) an Accredited Advanced level of
1-27 certification, or an equivalent successor certification, under the
1-28 State Firemen's and Fire Marshals' Association of Texas volunteer
1-29 certification program; or

1-30 (B) Phase V (Firefighter II) certification, or an
1-31 equivalent successor certification, under the Texas Commission on
1-32 Fire Protection's voluntary certification program under Section
1-33 419.071, Government Code.

1-34 (b) An exemption provided under this section does not apply
1-35 to deposits that may be required in the nature of security for the
1-36 return or proper care of property loaned for the use of students.

1-37 (c) Notwithstanding Subsection (a), a student who for a
1-38 semester or term at an institution of higher education receives an
1-39 exemption under this section may continue to receive the exemption
1-40 for a subsequent semester or term at any institution only if the
1-41 student makes satisfactory academic progress toward a degree or
1-42 certificate at that institution as determined by the institution
1-43 for purposes of financial aid.

1-44 (d) Notwithstanding Subsection (a), the exemption provided
1-45 under this section does not apply to any amount of additional
1-46 tuition the institution elects to charge a resident undergraduate
1-47 student under Section 54.014(a) or (f).

1-48 (e) Notwithstanding Subsection (a), the exemption provided
1-49 under this section does not apply to any amount of tuition the
1-50 institution charges a graduate student in excess of the amount of
1-51 tuition charged to similarly situated graduate students because the
1-52 student has a number of semester credit hours of doctoral work in
1-53 excess of the applicable number provided by Section 61.059(1)(1) or
1-54 (2).

1-55 (f) The Texas Higher Education Coordinating Board shall
1-56 adopt:

1-57 (1) rules governing the granting or denial of an
1-58 exemption under this section, including rules relating to the
1-59 determination of a student's eligibility for an exemption; and

1-60 (2) a uniform listing of degree programs covered by
1-61 the exemption under this section.

1-62 SECTION 2. Subchapter D, Chapter 54, Education Code, is
1-63 amended by adding Section 54.2081 to read as follows:

1-64 Sec. 54.2081. PEACE OFFICERS ENROLLED IN CERTAIN COURSES.

(a) The governing board of an institution of higher education shall exempt from the payment of tuition and laboratory fees charged by the institution for a criminal justice or law enforcement course or courses an undergraduate student who:

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

(2) is enrolled in a criminal justice or law enforcement-related degree program at the institution;

(3) is making satisfactory academic progress toward the student's degree as determined by the institution; and

(4) applies for the exemption at least one week before the last date of the institution's regular registration period for the applicable semester or other term.

(b) Notwithstanding Subsection (a), a student may not receive an exemption under this section for any course if the student has previously attempted a number of semester credit hours for courses taken at any institution of higher education while classified as a resident student for tuition purposes in excess of the maximum number of those hours specified by Section 61.0595(a) as eligible for funding under the formulas established under Section 61.059.

(c) Notwithstanding Subsection (a), the governing board of an institution of higher education may not provide exemptions under this section to students enrolled in a specific class in a number that exceeds 20 percent of the maximum student enrollment designated by the institution for that class.

(d) An exemption provided under this section does not apply to deposits that may be required in the nature of security for the return or proper care of property loaned for the use of students.

(e) The Texas Higher Education Coordinating Board shall adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

(f) If the legislature does not specifically appropriate funds to an institution of higher education in an amount sufficient to pay the institution's costs in complying with this section for a semester, the governing board of the institution of higher education shall report to the Senate Finance Committee and the House Appropriations Committee the cost to the institution of complying with this section for that semester.

SECTION 3. The changes in law made by this Act apply to an exemption from tuition and fees beginning with the 2011 fall semester.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

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