

AN ACT

relating to exemptions for disabled peace officers and fire fighters from payment of tuition and fees at public institutions of higher education.

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

SECTION 1. The heading to Section 54.352, Education Code, is amended to read as follows:

Sec. 54.352. DISABLED PEACE OFFICERS AND FIRE FIGHTERS [~~OPTIONAL EXEMPTION~~].

SECTION 2. Section 54.352, Education Code, is amended by amending Subsections (a), (g), and (h) and adding Subsection (b-1) to read as follows:

(a) The governing board of an institution of higher education shall [~~may~~] exempt a student from the payment of tuition and [~~required~~] fees [~~authorized by this chapter~~] for a course for which space is available if the student:

(1) is a resident of this state and has resided in this state for the 12 months immediately preceding the beginning of the semester or session for which an exemption is sought;

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

(A) a peace officer of this state or a political subdivision of this state; or

(B) a fire fighter, as defined by Section

1 614.001, Government Code, employed by this state or a political
2 subdivision of this state; and

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

5 (b-1) Notwithstanding Subsection (a), the governing board
6 of an institution of higher education may not provide exemptions
7 under this section to students enrolled in a specific course in a
8 number that exceeds 20 percent of the maximum student enrollment
9 designated by the institution for that course.

10 (g) For the purpose of [In] this section, an injury is
11 suffered during the performance of a duty as a peace officer if the
12 injury occurs [~~"injury suffered during the performance of a duty as~~
13 a peace officer" means an injury occurring] as a result of the peace
14 officer's performance of any of the following law enforcement
15 duties:

16 (1) traffic enforcement or traffic control duties,
17 including enforcement of traffic laws, investigation of vehicle
18 accidents, or directing traffic;

19 (2) pursuit, arrest, or search of a person reasonably
20 believed to have violated a law;

21 (3) investigation, including undercover
22 investigation, of a criminal act;

23 (4) patrol duties, including automobile, bicycle,
24 foot, air, or horse patrol;

25 (5) duties related to the transfer of prisoners; or

26 (6) training duties, including participation in any
27 training required by the officer's employer or supervisor or by the

1 Texas Commission on Law Enforcement.

2 (h) For the purpose of this section, a person [~~peace~~
3 ~~officer~~] is considered permanently disabled only if the chief
4 administrative officer of the law enforcement agency, fire
5 department, or other entity that employed the person [~~officer~~] at
6 the time of the injury, as applicable, determines the person
7 [~~officer~~] is permanently disabled and satisfies any requirement of
8 an institution under Subsection (e).

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

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 766 was passed by the House on April 16, 2019, by the following vote: Yeas 132, Nays 3, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 766 on May 23, 2019, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 766 on May 26, 2019, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

H.B. No. 766

I certify that H.B. No. 766 was passed by the Senate, with amendments, on May 20, 2019, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 766 on May 26, 2019, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor