

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Huberty, Guillen

H.B. No. 766

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

10 SECTION 2. Sections 54.352(a), (g), and (h), Education  
11 Code, are amended to read as follows:

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

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

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

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

23 (B) a fire fighter, as defined by Section  
24 614.001, Government Code, employed by this state or a political

1 subdivision of this state; and

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

4 (g) For the purpose of [In] this section, an injury is  
5 suffered during the performance of a duty as a peace officer if the  
6 injury occurs [~~"injury suffered during the performance of a duty as~~  
7 ~~a peace officer" means an injury occurring~~] as a result of the peace  
8 officer's performance of any of the following law enforcement  
9 duties:

10 (1) traffic enforcement or traffic control duties,  
11 including enforcement of traffic laws, investigation of vehicle  
12 accidents, or directing traffic;

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

15 (3) investigation, including undercover  
16 investigation, of a criminal act;

17 (4) patrol duties, including automobile, bicycle,  
18 foot, air, or horse patrol;

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

20 (6) training duties, including participation in any  
21 training required by the officer's employer or supervisor or by the  
22 Texas Commission on Law Enforcement.

23 (h) For the purpose of this section, a person [~~peace~~  
24 ~~officer~~] is considered permanently disabled only if the chief  
25 administrative officer of the law enforcement agency, fire  
26 department, or other entity that employed the person [~~officer~~] at  
27 the time of the injury, as applicable, determines the person

1 ~~[officer]~~ is permanently disabled and satisfies any requirement of  
2 an institution under Subsection (e).

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

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

ADOPTED

✓✓

MAY 20 2019

FLOOR AMENDMENT NO. 1

*Leta Spaw*  
Secretary of the Senate

BY:

*Therese J. Dutton*

1 Amend H.B. No. 766 (senate committee printing) in SECTION 2  
2 of the bill, on page 1, as follows:

3 (1) Strike lines 27 and 28 and substitute the following:

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

7 (2) In amended Section 54.352, Education Code, immediately  
8 following amended Subsection (a), between lines 44 and 45, insert  
9 the following:

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

**ADOPTED**

MAY 20 2019

FLOOR AMENDMENT NO. 2

BY: *Theresa Dutton*  
Secretary of the Senate

1 Amend H.B. No. 766 (senate committee printing) by inserting the  
2 appropriately numbered sections and renumbering the remaining  
3 sections accordingly:

4 SECTION \_\_\_\_\_. The heading to Section 54.353, Education Code,  
5 is amended to read as follows:

6 Sec. 54.353. FIREFIGHTERS OR PARAMEDICS ENROLLED IN FIRE  
7 SCIENCE COURSES.

8 SECTION \_\_\_\_\_. Section 54.353, Education Code, is amended by  
9 amending Subsections (a) and (f) and adding Subsection (e-1) to  
10 read as follows:

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

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

17 (2) is currently, and has been for at least one year,  
18 an active member of an organized volunteer fire department  
19 participating in the Texas Emergency Services Retirement System or  
20 a retirement system established under the Texas Local Fire Fighters  
21 Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) and  
22 who holds:

23 (A) an Accredited Advanced level of certification,  
24 or an equivalent successor certification, under the State  
25 Firemen's and Fire Marshals' Association of Texas volunteer  
26 certification program; or

27 (B) Phase V (Firefighter II) certification, or an  
28 equivalent successor certification, under the Texas Commission on  
29 Fire Protection's voluntary certification program under Section

1 419.071, Government Code.

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

7 (f) The Texas Higher Education Coordinating Board shall  
8 adopt:

9 (1) rules governing the granting or denial of an  
10 exemption under this section, including rules:

11 (A) prescribing the educational attainment or  
12 level of certification necessary to qualify for an exemption as a  
13 paramedic; and

14 (B) relating to the determination of a student's  
15 eligibility for an exemption; and

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

18 SECTION \_\_\_\_ . The Texas Higher Education Coordinating Board  
19 shall adopt the rules required by Section 54.353(f), Education  
20 Code, as amended by this Act, as soon as practicable after the  
21 effective date of this Act.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 21, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB766** by Huberty (Relating to exemptions for disabled peace officers and fire fighters from payment of tuition and fees at public institutions of higher education.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill amends statute as it relates to tuition and fee exemptions for disabled peace officers at public institutions of higher education by making the exemption mandatory instead of permissive. The bill would also allow disabled fire fighters to participate in the exemption. The bill would also amend the Education Code relating to exemptions of tuition and laboratory fees at public institutions of higher education for certain paramedics. The bill would expand the existing exemption requirement for a firefighter taking courses in fire science to include paramedics. Under provisions of the bill, the governing board of an institution of higher education may not provide these exemptions to students enrolled in a specific course in a number that exceeds 20 percent of the maximum student enrollment designated by the institution for that course.

The bill would primarily impact designated tuition and fees, which are classified as institutional funds, and therefore would not impact the state. The bill would also impact laboratory fees, student teaching fees, and special course fees, that are accounted as educational and general income, or statutory tuition in the General Appropriations Act. Higher Education System Offices reported that the impact in foregone revenues from expanding this exemption would not be significant.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**     710 Texas A&M University System Administrative and General Offices,  
758 Texas State University System, 768 Texas Tech University System  
Administration, 769 University of North Texas System Administration, 781  
Higher Education Coordinating Board, 783 University of Houston System  
Administration

**LBB Staff:** WP, JGAn, DEH, GO

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 7, 2019**

**TO:** Honorable Brandon Creighton, Chair, Senate Committee on Higher Education

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **HB766** by Huberty (Relating to exemptions for disabled peace officers and fire fighters from payment of tuition and fees at public institutions of higher education.), **As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
--

The bill amends statute as it relates to tuition and fee exemptions for disabled peace officers at public institutions of higher education by making the exemption mandatory instead of permissive. The bill would also allow disabled fire fighters to participate in the exemption. Based on information provided by the Higher Education Coordinating Board, there were less than 10 recipients under the current exemption for disabled peace officers. Therefore, it is estimated that the impact to institutions of higher education in terms of foregone tuition, based on an expansion of the exemption, would not be significant.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**     710 Texas A&M University System Administrative and General Offices, 719 Texas State Technical College System Administration, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783 University of Houston System Administration, 985 Tyler Junior College

**LBB Staff:** WP, JGA<sub>n</sub>, DEH, GO



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 12, 2019**

**TO:** Honorable Chris Turner, Chair, House Committee on Higher Education

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB766** by Huberty (Relating to exemptions for disabled peace officers and fire fighters from payment of tuition and fees at public institutions of higher education.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill amends statute as it relates to tuition and fee exemptions for disabled peace officers at public institutions of higher education by making the exemption mandatory instead of permissive. The bill would also allow disabled fire fighters to participate in the exemption. Based on information provided by the Higher Education Coordinating Board, there were less than 10 recipients under the current exemption for disabled peace officers. Therefore, it is estimated that the impact to institutions of higher education in terms of foregone tuition, based on an expansion of the exemption, would not be significant.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 710 Texas A&M University System Administrative and General Offices, 719 Texas State Technical College System Administration, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783 University of Houston System Administration, 985 Tyler Junior College

**LBB Staff:** WP, JGAn, DEH, GO