

House Bill 766
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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. Sections 54.352(a), (g), and (h), Education Code, are amended 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 614.001, 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 because of the disability.

(g) For the purpose of ~~the~~ this section, an injury is suffered

SENATE VERSION (IE)

SECTION 1. Same as House version.

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: [FA1(1)]

(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 614.001, 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 because of the disability.

(b-1) 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 course in a number that exceeds 20 percent of the maximum student enrollment designated by the institution for that course.

[FA1(2)]

(g) For the purpose of ~~the~~ this section, an injury is suffered

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during the performance of a duty as a peace officer if the injury occurs [~~"injury suffered during the performance of a duty as a peace officer" means an injury occurring~~] as a result of the peace officer's performance of any of the following law enforcement duties:

- (1) traffic enforcement or traffic control duties, including enforcement of traffic laws, investigation of vehicle accidents, or directing traffic;
- (2) pursuit, arrest, or search of a person reasonably believed to have violated a law;
- (3) investigation, including undercover investigation, of a criminal act;
- (4) patrol duties, including automobile, bicycle, foot, air, or horse patrol;
- (5) duties related to the transfer of prisoners; or
- (6) training duties, including participation in any training required by the officer's employer or supervisor or by the Texas Commission on Law Enforcement.

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

No equivalent provision.

SENATE VERSION (IE)

during the performance of a duty as a peace officer if the injury occurs [~~"injury suffered during the performance of a duty as a peace officer" means an injury occurring~~] as a result of the peace officer's performance of any of the following law enforcement duties:

- (1) traffic enforcement or traffic control duties, including enforcement of traffic laws, investigation of vehicle accidents, or directing traffic;
- (2) pursuit, arrest, or search of a person reasonably believed to have violated a law;
- (3) investigation, including undercover investigation, of a criminal act;
- (4) patrol duties, including automobile, bicycle, foot, air, or horse patrol;
- (5) duties related to the transfer of prisoners; or
- (6) training duties, including participation in any training required by the officer's employer or supervisor or by the Texas Commission on Law Enforcement.

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

SECTION __. The heading to Section 54.353, Education Code, is amended to read as follows:
Sec. 54.353. FIREFIGHTERS OR PARAMEDICS ENROLLED IN FIRE SCIENCE COURSES. [FA2]

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SENATE VERSION (IE)

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No equivalent provision.

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

(a) The governing board of an institution of higher education shall 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 or a paramedic 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 participating in the Texas Emergency Services Retirement System or a retirement system established under the Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) and who holds:

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

(B) 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, Government Code.

(e-1) 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.

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

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

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

(B) 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. [FA2]

No equivalent provision.

SECTION __. The Texas Higher Education Coordinating Board shall adopt the rules required by Section 54.353(f), Education Code, as amended by this Act, as soon as practicable after the effective date of this Act. [FA2]

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

SECTION 3. Same as House version.

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, 2019.

SECTION 4. Same as House version.