

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/24/19

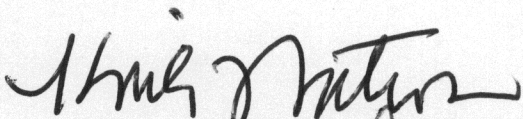
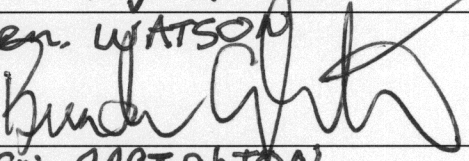
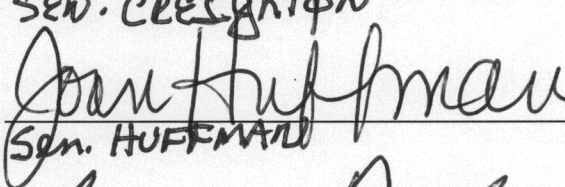
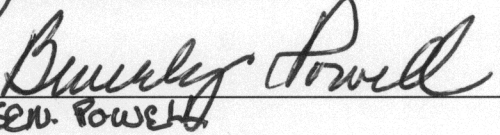
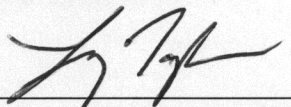
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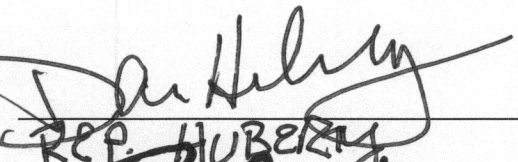
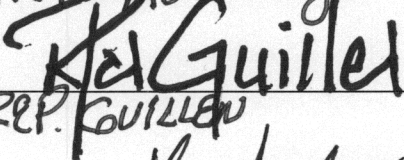
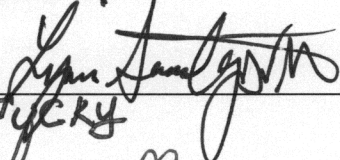
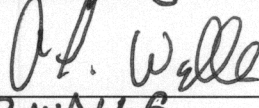
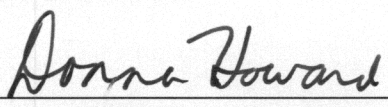
Honorable Dan Patrick  
President of the Senate

Honorable Dennis Bonnen  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 766 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

  
SEN. WATSON  
  
SEN. CREIGHTON  
  
SEN. HUFFMAN  
  
SEN. POWELL  
  
On the part of the Senate  
SEN. TAYLOR

  
REP. HUBERT  
  
REP. GUILLEN  
  
REP. STUCKY  
  
REP. WALLE  
  
On the part of the House  
REP. HOWARD

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.



# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 766

A BILL TO BE ENTITLED

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.

**House Bill 766**  
Conference Committee Report  
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 ~~[H]~~ 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 ~~[H]~~ this section, an injury is suffered

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as Senate version.

**House Bill 766**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

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]

Same as House version.

CONFERENCE

**House Bill 766**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

*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:

Same as House version.



**House Bill 766**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(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]

Same as House version.

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 3. Same as House version.

SECTION 4. Effective date.

SECTION 4. Same as House version.

SECTION 4. Same as House version.

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

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

**May 25, 2019**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
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.), **Conference Committee Report**

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

This analysis assumes 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.

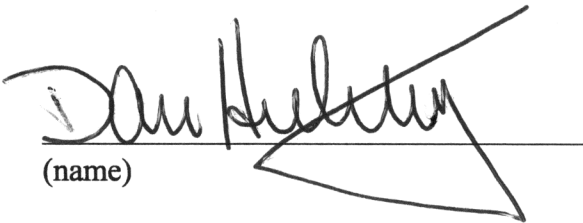
**Source Agencies:**        710 Texas A&M University System Administrative and General Offices,  
758 Texas State University System, 768 Texas Tech University System  
Administration, 769 University of North Texas System Administration, 781  
Higher Education Coordinating Board, 783 University of Houston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

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

## **Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under House Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not subject to a point of order under Rule 13.

I certify that a copy of the conference committee report on HB 766 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

  
(name)

5/25/19  
(date)