

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 27, 2009  
Date

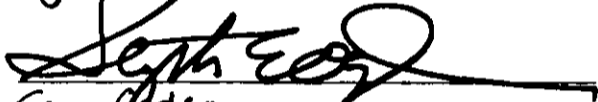
Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

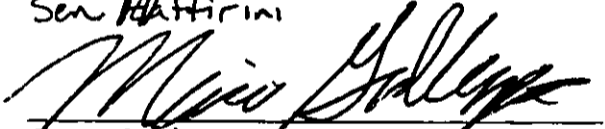
Sirs:

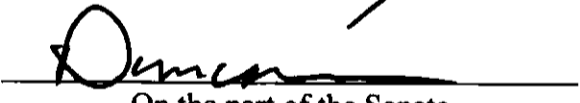
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2347 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

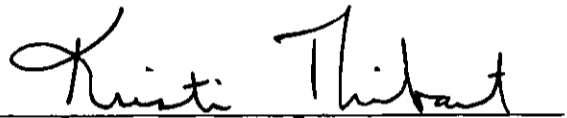
  
Sen. Whitmire

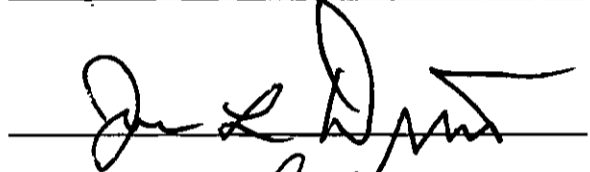
  
Sen. Gaden

  
Sen. Rafferty

  
Sen. Gallegos

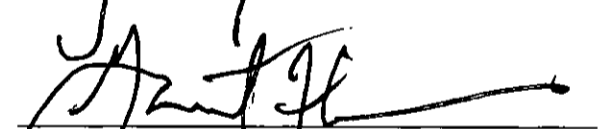
  
On the part of the Senate  
Sen. Duncan









  
On the part of the House

### 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. 2347

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to tuition and fee exemptions at public institutions of  
3 higher education for certain peace officers enrolled in criminal  
4 justice or law enforcement course work and for certain educational  
5 aides.

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

7 SECTION 1. Section 54.208, Education Code, is amended to  
8 read as follows:

9 Sec. 54.208. FIREFIGHTERS AND PEACE OFFICERS [~~FIREMEN~~]  
10 ENROLLED IN CERTAIN [~~FIRE SCIENCE~~] COURSES. (a) The governing  
11 board of an institution of higher education [~~boards of the state~~  
12 ~~institutions of collegiate rank supported in whole or in part by~~  
13 ~~public funds~~] shall exempt from the payment of tuition and  
14 laboratory fees a student [~~any person~~] who is employed as a  
15 firefighter [~~fireman~~] by a [~~any~~] political subdivision of this  
16 [~~the~~] state and who enrolls in a course or courses offered as part  
17 of a fire science curriculum.

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

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

24 (2) is enrolled in a criminal justice or law

1 enforcement-related degree program at the institution;

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

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

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

15 (d) Notwithstanding Subsection (b), the governing board of  
16 an institution of higher education may not provide exemptions under  
17 that subsection to students enrolled in a specific class in a number  
18 that exceeds 20 percent of the maximum student enrollment  
19 designated by the institution for that class.

20 (e) An [The] exemption provided under this section does not  
21 apply to deposits that [which] may be required in the nature of  
22 security for the return or proper care of property loaned for the  
23 use of students.

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

26 (1) rules governing the granting or denial of an  
27 exemption under this section, including rules relating to the

1 determination of a student's eligibility for an exemption; and  
2 (2) a uniform listing of degree programs covered by  
3 the exemption under this section.

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

11 SECTION 2. Section 54.214(d), Education Code, is amended to  
12 read as follows:

13 (d) The institution of higher education at which a person  
14 seeking an exemption under this section is enrolled [~~coordinating~~  
15 ~~board~~] must certify the [a] person's eligibility to receive the  
16 [an] exemption [~~under this section~~]. As soon as practicable after  
17 receiving an application for certification, the institution  
18 [~~coordinating board~~] shall make the determination of eligibility  
19 and give notice of its determination to the applicant[~~, the~~  
20 ~~institution of higher education at which the applicant is~~  
21 ~~enrolled,~~] and to the school district employing the applicant  
22 [~~person~~] as an educational aide.

23 SECTION 3. The changes in law made by this Act to Section  
24 54.208, Education Code, apply beginning with tuition and laboratory  
25 fees charged for the 2011 fall semester. Tuition and laboratory  
26 fees charged for an academic period before the 2011 fall semester  
27 are covered by the law in effect immediately before the effective

1 date of this Act, and the former law is continued in effect for that  
2 purpose.

3 SECTION 4. The change in law made by this Act to Section  
4 54.214, Education Code, applies to an exemption from tuition and  
5 fees granted under that section beginning with the 2009 fall  
6 semester.

7 SECTION 5. (a) Except as provided by Subsection (b) of  
8 this section, this Act takes effect immediately if this Act  
9 receives a vote of two-thirds of all the members elected to each  
10 house, as provided by Section 39, Article III, Texas Constitution.  
11 If this Act does not receive the vote necessary for immediate  
12 effect, except as provided by Subsection (b) of this section, this  
13 Act takes effect September 1, 2009.

14 (b) SECTIONS 1 and 3 of this Act take effect January 1, 2011.

**House Bill 2347**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 54.208, Education Code, is amended to read as follows:

Sec. 54.208. FIREFIGHTERS AND PEACE OFFICERS [~~FIREMEN~~] ENROLLED IN CERTAIN [~~FIRE SCIENCE~~] COURSES.

(a) Requires the governing board of an institution of higher education to exempt from the payment of tuition and laboratory fees a student who:

(1) is employed as a firefighter by a political subdivision of Texas and who enrolls in a course or courses offered as part of a fire science curriculum; or

(2) is employed as a peace officer by the state or by a political subdivision of this state and who enrolls in a course or courses offered as part of a criminal justice or *law enforcement management-related curriculum*.

No equivalent provision.

SENATE VERSION

SECTION 1. Same as House version.

(a) Same as House version.

(b) Requires the governing board of an institution of higher education to 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 is employed as a peace officer by the state or by a political subdivision of the state, is enrolled in a criminal justice or *law enforcement-related degree program* at the institution, is making satisfactory academic progress toward the student's degree as determined by the institution, and 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.

(c) Prohibits a student from receiving such a tuition exemption for any course if the student has previously

CONFERENCE

SECTION 1. Same as House version.

(a) Same as Senate version.

(b) Same as Senate version.

(c) Same as Senate version.

**House Bill 2347**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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 law as eligible for funding under the formulas established for the appropriations of the Texas Higher Education Coordinating Board.

No equivalent provision.

(d) Prohibits the governing board of an institution of higher education from providing such tuition exemptions 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) Same as Senate version.

(b)-(d)

(e)-(g) Same as House version.

(e)-(g) Same as House version.

No equivalent provision.

SECTION \_\_. Section 54.214(d), Education Code, is amended to require the institution of higher education at which an eligible educational aide seeking an exemption from tuition and fees, other than class or laboratory fees, is enrolled to certify the person's eligibility to receive the exemption, to make the determination of eligibility, and to give notice of its determination to the applicant and to the school district employing the applicant as an educational aide as soon as practicable after receiving the application for certification.

SECTION 2. Same as Senate version.

SECTION 2. Transition provision specifying that the changes in law made to Section 54.208, Education Code,

SECTION 2. Same as House version except applies the changes beginning with tuition and laboratory fees

SECTION 3. Same as Senate version.

**House Bill 2347**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

apply beginning with tuition and laboratory fees charged for the **2009** fall semester.

No equivalent provision.

No equivalent provision.

SECTION 3. 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, 2009.

[See SECTION 3 for effective date.]

SENATE VERSION

charged for the **2011** fall semester.

SECTION \_\_. Transition provision specifying that the change in law made to Section 54.214, Education Code, applies to an exemption from tuition and fees granted under that section beginning with the 2009 fall semester.

SECTION \_\_. Specifies that this Act does not make an appropriation and that certain provisions are not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

SECTION \_\_. 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, 2009.

SECTION 3. This Act takes effect January 1, 2011.

CONFERENCE

SECTION 4. Same as Senate version.

Same as House version.

SECTION 5. (a) Except as provided by Subsection (b), this Act takes effect immediately if this Act 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, except as provided by Subsection (b) below, this Act takes effect September 1, 2009.

(b) SECTIONS 2 and 4 of this Act take effect January 1, 2011.



# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

**TO:** Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB2347** by Thibaut (relating to tuition and fee exemptions at public institutions of higher education for certain peace officers enrolled in criminal justice or law enforcement course work and for certain educational aides.), **Conference Committee Report**

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

Under provisions of the bill, higher education institutions would certify the eligibility of certain educational aides to receive an exemption from tuition and fees charged by the institutions. Under current law, the Higher Education Coordinating Board makes the determination. These provisions would be implemented within current resources.

The bill would also extend the tuition and laboratory fee exemption program currently for firefighters enrolled in fire science curricula to peace officers employed by political subdivisions of the state who enroll in a course or courses offered as part of a criminal justice or law enforcement management-related curriculum designed for peace officers. The governing board of an institution of higher education may not provide exemptions 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. Changes in the tuition and laboratory fees would be effective beginning in the 2011 fall semester (fiscal year 2012).

The bill would require the Higher Education Coordinating Board to develop rules governing the granting or denial the exemption and a uniform listing of degree programs covered the exemption. Under provisions of the bill, if the legislature does not specifically appropriate funds to an institution to pay the institution's costs associated with the exemption, the governing board of each institution shall report the estimated costs to the Senate Finance Committee and the House Appropriations Committee for that semester.

Based on information provided by the Higher Education Coordinating Board, in fiscal year 2008 a total of 1,706 paid firefighters were reported as receiving exemptions totaling \$1,394,202. Approximately 87%, or 1,487, of the firefighters attended public community colleges and 11%, or 193, of the firefighters attended public universities. The average awards were \$1,569 at universities and \$707 at community colleges. Over the past three years, the awards have grown by approximately 25% per year.

According to the Texas Workforce Commission, there are 26,250 persons in Texas employed as firefighters and 54,600 employed as peace officers. The Higher Education Coordinating Board assumed the same share of volunteer firefighters would use the exemption as of paid firefighters. To estimate the number of recipients they multiplied the number of peace officers (54,600) by the share of paid firefighters receiving exemptions (1,706/26,250). Based on these calculations 3,548 peace officers would eventually use the exemption but taking into account the limits established in the bill (20% capacity of the class), the Higher Education Coordinating Board estimates that 468 would enroll in fiscal year 2012, increasing to 563 and 674 in 2013 and 2014.

Based on these assumptions, the Higher Education Coordinating Board has calculated that

total tuition exemption for all students in all sectors, to be \$361,779 for fiscal year 2012, \$462,788 in fiscal year 2013, and \$585,326 in fiscal year 2014. These amounts are not considered significant.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 781 Higher Education Coordinating Board, 720 The University of Texas System Administration, 758 Texas State University System, 769 University of North Texas System Administration

**LBB Staff:** JOB, KK, RT, GO, ESi