

Chapter 1216

AN ACT

1
2 relating to the continuation and functions of the Texas Commission
3 on Fire Protection.

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

5 SECTION 1. Subdivision (2), Section 419.001, Government
6 Code, is amended to read as follows:

7 (2) Except as otherwise provided in this chapter,
8 "volunteer [~~Volunteer~~] fire fighter" and "volunteer fire chief" do
9 not include a person who is also employed full-time in the fire
10 service.

11 SECTION 2. Section 419.003, Government Code, is amended to
12 read as follows:

13 Sec. 419.003. SUNSET PROVISION. The Texas Commission on
14 Fire Protection is subject to Chapter 325 (Texas Sunset Act).
15 Unless continued in existence as provided by that chapter, the
16 commission is abolished and this chapter expires September 1, 2021
17 [~~2009~~].

18 SECTION 3. Section 419.004, Government Code, is amended by
19 amending Subsections (a) and (e) and adding Subsection (f) to read
20 as follows:

21 (a) The commission is composed of the following 13 members:

22 (1) two members to be selected from a list of five
23 names submitted by the Texas Fire Chiefs Association who are chief
24 officers with a minimum rank that is equivalent to the position

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1 immediately below that of the fire chief and who are employed in
2 fire departments as defined by Section 419.021 that are under the
3 jurisdiction of the commission, at least one of whom must be the
4 head of a fire department and one of whom must be employed by a
5 political subdivision with a population of less than 100,000
6 [~~50,000~~];

7 (2) two members to be selected from a list of five
8 names submitted by the Texas State Association of Fire Fighters who
9 are fire protection personnel as defined by Section 419.021 with
10 the rank of battalion chief or below and who are employed in fire
11 departments or other appropriate local authorities under the
12 jurisdiction of the commission, one of whom must be employed by a
13 political subdivision with a population of less than 100,000
14 [~~50,000~~];

15 (3) two members to be selected from a list of five
16 names submitted by the State Firemen's and Fire Marshals'
17 Association of Texas who are volunteer fire chiefs or volunteer
18 fire fighters;

19 (4) one certified fire protection engineer;

20 (5) one certified arson investigator or certified fire
21 protection inspector;

22 (6) one fire protection instructor from an institution
23 of higher education as defined by Section 61.003, Education Code;
24 and

25 (7) four public members.

26 (e) A person may not be [~~is not eligible for appointment as~~]
27 a public member of the commission if the person or the person's

1 spouse:

2 (1) is registered, certified, or licensed by a
3 regulatory agency in the field of fire protection [~~the commission~~];

4 (2) is employed by or participates in the management
5 of a business entity or other organization regulated by [~~the~~
6 ~~commission~~] or receiving money [~~funds~~] from the commission;

7 (3) owns or controls, directly or indirectly, more
8 than a 10 percent interest in a business entity or other
9 organization regulated by [~~the commission~~] or receiving money
10 [~~funds~~] from the commission;

11 (4) uses or receives a substantial amount of tangible
12 goods, services, or money [~~funds~~] from the commission, other than
13 compensation or reimbursement authorized by law for commission
14 membership, attendance, or expenses; or

15 (5) is employed in the field of [~~a member of a paid or~~
16 ~~volunteer~~] fire protection [~~department~~].

17 (f) For purposes of this section, "volunteer fire fighter"
18 and "volunteer fire chief" mean a person who is a member of a
19 nonprofit volunteer fire department, and the term may include a
20 person who is also employed full-time in the fire service.

21 SECTION 4. Subsections (a) and (c), Section 419.005,
22 Government Code, are amended to read as follows:

23 (a) It is a ground for removal from the commission that [~~if~~]
24 a member:

25 (1) does not have at the time of taking office
26 [~~appointment~~] the qualifications required by Section 419.004;

27 (2) does not maintain during service on the commission

1 the qualifications required by Section 419.004;

2 (3) is ineligible for membership under [~~violates a~~
3 ~~prohibition established by~~] Section 419.006;

4 (4) cannot, because of illness or disability,
5 discharge the member's duties for a substantial part of the member's
6 term [~~for which the member is appointed because of illness or~~
7 ~~disability~~]; or

8 (5) is absent from more than half of the regularly
9 scheduled commission meetings that the member is eligible to attend
10 during a calendar year without an excuse approved [~~unless the~~
11 ~~absence is excused~~] by majority vote of the commission.

12 (c) If the executive director has knowledge that a potential
13 ground for removal exists, the executive director shall notify the
14 presiding officer of the commission of the potential ground. The
15 presiding officer shall then notify the governor and the attorney
16 general that a potential ground for removal exists. If the
17 potential ground for removal involves the presiding officer, the
18 executive director shall notify the next highest ranking officer of
19 the commission, who shall then notify the governor and the attorney
20 general that a potential ground for removal exists.

21 SECTION 5. Section 419.006, Government Code, is amended to
22 read as follows:

23 Sec. 419.006. CONFLICT OF INTEREST. (a) In [~~An officer,~~
24 ~~employee, or paid consultant of a Texas trade association in the~~
25 ~~field of fire protection may not be a member of the commission or an~~
26 ~~employee of the commission who is exempt from the state's position~~
27 ~~classification plan or is compensated at or above the amount~~

1 ~~prescribed by the General Appropriations Act for step 1, salary~~
2 ~~group 17, of the position classification salary schedule.~~

3 ~~[(b) A person who is the spouse of an officer, manager, or~~
4 ~~paid consultant of a Texas trade association in the field of fire~~
5 ~~protection may not be a commission member and may not be a~~
6 ~~commission employee who is exempt from the state's position~~
7 ~~classification plan or is compensated at or above the amount~~
8 ~~prescribed by the General Appropriations Act for step 1, salary~~
9 ~~group 17, of the position classification salary schedule.~~

10 ~~[(c) For the purposes of]~~ this section, "Texas trade
11 association" means ~~[a Texas trade association is]~~ a ~~[nonprofit,]~~
12 cooperative~~[,]~~ and voluntarily joined statewide association of
13 business or professional competitors in this state designed to
14 assist its members and its industry or profession in dealing with
15 mutual business or professional problems and in promoting their
16 common interest.

17 (b) A person may not be a member of the commission and may
18 not be a commission employee employed in a "bona fide executive,
19 administrative, or professional capacity," as that phrase is used
20 for purposes of establishing an exemption to the overtime
21 provisions of the federal Fair Labor Standards Act of 1938 (29
22 U.S.C. Section 201 et seq.), if:

23 (1) the person is an officer, employee, or paid
24 consultant of a Texas trade association in the field of fire
25 protection; or

26 (2) the person's spouse is an officer, manager, or paid
27 consultant of a Texas trade association in the field of fire

1 protection.

2 (c) [~~d~~] A person may not be [~~serve as~~] a member of the
3 commission or act as the general counsel to the commission or the
4 agency if the person is required to register as a lobbyist under
5 Chapter 305 because of the person's activities for compensation on
6 behalf of a profession related to the operation of the commission.

7 SECTION 6. Subsection (a), Section 419.007, Government
8 Code, is amended to read as follows:

9 (a) The governor shall designate a member of the commission
10 [~~fire protection instructor appointed under Section 419.004(a)(6)~~
11 ~~serves~~] as the presiding officer of the commission to serve in that
12 capacity at the pleasure of [~~unless~~] the governor [~~designates~~
13 ~~another member as presiding officer~~]. The commission shall elect
14 from among its members an assistant presiding officer and a
15 secretary.

16 SECTION 7. Section 419.0071, Government Code, is amended to
17 read as follows:

18 Sec. 419.0071. COMMISSION MEMBER TRAINING. (a) A [~~To be~~
19 ~~eligible to take office as a member of the commission, a~~] person who
20 is appointed to and qualifies for office as a member of the
21 commission may not vote, deliberate, or be counted as a member in
22 attendance at a meeting of the commission until the person
23 completes [~~must complete at least one course of~~] a training program
24 that complies with this section.

25 (b) The training program must provide [~~information to~~] the
26 person with information regarding:

27 (1) the [~~enabling~~] legislation that created the

- 1 commission;
- 2 (2) the programs, ~~[operated by the commission,~~
- 3 ~~[(3) the role and] functions, [of the commission,~~
- 4 ~~[(4) the] rules, and [of the commission with an~~
- 5 ~~emphasis on the rules that relate to disciplinary and investigatory~~
- 6 ~~authority,~~
- 7 ~~[(5) the current] budget of [for] the commission;~~
- 8 (3) ~~[(6)]~~ the results of the most recent formal audit
- 9 of the commission;
- 10 (4) ~~[(7)]~~ the requirements of laws relating to ~~[the~~
- 11 ~~[(A)] open meetings [law], public information~~
- 12 ~~[Chapter 551,~~
- 13 ~~[(B) open records law, Chapter 552, and~~
- 14 ~~[(C) administrative procedure law], and~~
- 15 conflicts ~~[Chapter 2001,~~
- 16 ~~[(8) the requirements of the conflict] of interest~~
- 17 ~~[interests laws and other laws relating to public officials];~~
- 18 and
- 19 (5) ~~[(9)]~~ any applicable ethics policies adopted by
- 20 the commission ~~[agency]~~ or the Texas Ethics Commission.

21 (c) A person appointed to the commission is entitled to

22 reimbursement, as provided by the General Appropriations Act, for

23 the travel expenses incurred in attending the training program

24 regardless of whether the attendance at the program occurs before

25 or after ~~[, as provided by the General Appropriations Act and as if]~~

26 the person qualifies for office ~~[were a member of the commission].~~

27 SECTION 8. Subsection (c), Section 419.008, Government

1 Code, is amended to read as follows:

2 (c) The commission shall perform duties assigned by law to
3 the Commission on Fire Protection Personnel Standards and Education
4 [~~or to the Fire Department Emergency Board~~].

5 SECTION 9. Subsection (a), Section 419.0082, Government
6 Code, is amended to read as follows:

7 (a) In adopting or amending a rule under Section 419.008(a)
8 or any other law, the commission shall seek the input of the fire
9 fighter advisory committee [~~and, when appropriate, the funds
10 allocation advisory committee~~]. The commission shall permit the
11 [~~appropriate~~] advisory committee to review and comment on any
12 proposed rule, including a proposed amendment to a rule, before the
13 rule is adopted. The recommendations of the advisory committee are
14 subject to modification or rejection by the commission, in the
15 commission's sole discretion, without the resubmission of the
16 matter to the advisory committee.

17 SECTION 10. Subchapter A, Chapter 419, Government Code, is
18 amended by adding Section 419.0083 to read as follows:

19 Sec. 419.0083. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
20 RESOLUTION. (a) The commission shall develop and implement a
21 policy to encourage the use of:

22 (1) negotiated rulemaking procedures under Chapter
23 2008 for the adoption of commission rules; and

24 (2) appropriate alternative dispute resolution
25 procedures under Chapter 2009 to assist in the resolution of
26 internal and external disputes under the commission's
27 jurisdiction.

1 (b) The commission's procedures relating to alternative
2 dispute resolution must conform, to the extent possible, to any
3 model guidelines issued by the State Office of Administrative
4 Hearings for the use of alternative dispute resolution by state
5 agencies.

6 (c) The commission shall designate a trained person to:

7 (1) coordinate the implementation of the policy
8 adopted under Subsection (a);

9 (2) serve as a resource for any training needed to
10 implement the procedures for negotiated rulemaking or alternative
11 dispute resolution; and

12 (3) collect data concerning the effectiveness of those
13 procedures, as implemented by the commission.

14 SECTION 11. Subsection (c), Section 419.009, Government
15 Code, is amended to read as follows:

16 (c) The commission shall develop and implement policies
17 that clearly separate the policy-making [~~define the respective~~]
18 responsibilities of the commission and the management
19 responsibilities of the executive director and the staff of the
20 commission.

21 SECTION 12. Section 419.011, Government Code, is amended to
22 read as follows:

23 Sec. 419.011. [~~PUBLIC INTEREST INFORMATION AND~~]
24 COMPLAINTS. (a) The commission shall maintain a system to
25 promptly and efficiently act on complaints filed with the
26 commission. The commission shall maintain information about
27 parties to the complaint, the subject matter of the complaint, a

1 summary of the results of the review or investigation of the
2 complaint, and its disposition.

3 (b) The commission shall make [prepare] information
4 available [of public interest] describing its [the functions of the
5 commission and the commission's] procedures for complaint
6 investigation and resolution [by which complaints are filed with
7 and resolved by the commission. The commission shall make the
8 information available to the public and appropriate state agencies.

9 ~~[(b) The commission shall keep a file about each written~~
10 ~~complaint filed with the commission that the commission has~~
11 ~~authority to resolve. The commission shall provide to the person~~
12 ~~filing the complaint and the persons or entities complained about~~
13 ~~the commission's policies and procedures pertaining to complaint~~
14 ~~investigation and resolution].~~

15 (c) The commission[~~, at least quarterly and until final~~
16 disposition of the complaint,] shall periodically notify the
17 [~~person filing the~~] complaint parties [and the persons or entities
18 complained about] of the status of the complaint until final
19 disposition [unless the notice would jeopardize an undercover
20 investigation.

21 ~~[(c) The commission shall keep information about each~~
22 ~~complaint filed with the commission. The information shall~~
23 ~~include:~~

24 ~~[(1) the date the complaint is received,~~

25 ~~[(2) the name of the complainant,~~

26 ~~[(3) the subject matter of the complaint,~~

27 ~~[(4) a record of all persons contacted in relation to~~

1 ~~the complaint,~~

2 ~~[(5) a summary of the results of the review or~~
3 ~~investigation of the complaint, and~~

4 ~~[(6) for complaints for which the agency took no~~
5 ~~action, an explanation of the reason the complaint was closed~~
6 ~~without action.~~

7 ~~[(d) The commission shall comply with federal and state laws~~
8 ~~related to program and facility accessibility. The executive~~
9 ~~director shall also prepare and maintain a written plan that~~
10 ~~describes how a person who does not speak English can be provided~~
11 ~~reasonable access to the commission's programs].~~

12 SECTION 13. Subchapter A, Chapter 419, Government Code, is
13 amended by adding Section 419.012 to read as follows:

14 Sec. 419.012. TECHNOLOGICAL SOLUTIONS. The commission
15 shall implement a policy requiring the commission to use
16 appropriate technological solutions to improve the commission's
17 ability to perform its functions. The policy must ensure that the
18 public is able to interact with the commission on the Internet.

19 SECTION 14. Section 419.023, Government Code, is amended by
20 adding Subsection (f) to read as follows:

21 (f) Appointments to the committee shall be made without
22 regard to the race, color, disability, sex, religion, age, or
23 national origin of the appointees.

24 SECTION 15. Subsection (a), Section 419.026, Government
25 Code, is amended to read as follows:

26 (a) The commission shall set and collect a fee [~~of not more~~
27 ~~than \$35]~~ for each certificate that the commission issues or renews

1 under this subchapter, except that if a person holds more than one
2 certificate the commission may collect only one fee each year for
3 the renewal of those certificates. The commission by rule shall set
4 the amount of the fee under this subsection in an amount designed to
5 recover the commission's costs in connection with issuing
6 certificates under this subchapter, including the cost to the
7 commission of obtaining fingerprint-based criminal history record
8 information under Section 419.0325. The employing agency or entity
9 shall pay the [~~this~~] fee in the manner prescribed [~~as provided~~] by
10 commission rule. The certificate must be renewed annually.

11 SECTION 16. Section 419.027, Government Code, is amended to
12 read as follows:

13 Sec. 419.027. BIENNIAL INSPECTIONS. (a) At least
14 biennially, the commission shall visit and inspect each institution
15 or facility conducting courses for training fire protection
16 personnel and recruits, each fire department, and each local
17 governmental agency providing fire protection to determine if the
18 department, agency, institution, or facility is complying with this
19 chapter and commission rules.

20 (b) The commission may conduct risk-based inspections of
21 institutions and facilities in addition to the inspections under
22 Subsection (a). In determining whether to conduct an inspection of
23 an institution or facility under this subsection, the commission
24 shall consider:

25 (1) how recently the institution or facility has come
26 under regulation;

27 (2) the institution's or facility's history of

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- 1 compliance with state law and commission rules;
- 2 (3) the number of complaints filed with the commission
- 3 regarding the institution or facility during the last year;
- 4 (4) the number of paid personnel in the institution or
- 5 facility;
- 6 (5) the frequency of fire responses;
- 7 (6) the institution's or facility's ability to inspect
- 8 and maintain equipment; and
- 9 (7) any other factor the commission considers
- 10 appropriate to assess an institution's or facility's safety risk.

11 SECTION 17. Subsections (a) and (d), Section 419.032,
12 Government Code, are amended to read as follows:

13 (a) A fire department may not appoint a person to the fire
14 department, except on a temporary or probationary basis, unless:

- 15 (1) the person:
 - 16 (A) [~~1~~] has satisfactorily completed a
 - 17 preparatory program of training in fire protection at a school
 - 18 approved by the commission; and
 - 19 (B) [~~2~~] meets the qualifications established
 - 20 by the commission under Subsection (b); and
 - 21 (2) the commission has approved the person's
 - 22 fingerprint-based criminal history record information under
 - 23 Section 419.0325.

24 (d) The commission may certify persons who are qualified
25 under this subchapter to be fire protection personnel. The
26 commission shall adopt rules relating to presentation of evidence
27 of satisfactory completion of a program or course of instruction in

1 another jurisdiction equivalent in content and quality to that
2 required by the commission for approved fire protection education
3 and training programs in this state and shall issue to a person
4 meeting the rules and the requirements of Section 419.0325 a
5 certificate evidencing satisfaction of Subsections (a) and (b).
6 The commission may waive any certification requirement, except
7 those under Section 419.0325, for an applicant with a valid license
8 from another state having certification requirements substantially
9 equivalent to those of this state.

10 SECTION 18. Subchapter B, Chapter 419, Government Code, is
11 amended by adding Section 419.0325 to read as follows:

12 Sec. 419.0325. CRIMINAL HISTORY RECORD INFORMATION
13 APPROVAL REQUIRED FOR CERTIFICATION. (a) The commission may not
14 certify a person as fire protection personnel unless the
15 commission, after review, has approved fingerprint-based criminal
16 history record information about the person obtained from the
17 Department of Public Safety under Subchapter F, Chapter 411, and
18 from the Federal Bureau of Investigation under Section 411.087.

19 (b) The applicant for certification or the fire department
20 may submit the required fingerprint-based state and national
21 criminal history record information to the commission. If neither
22 the applicant nor the fire department submits the required criminal
23 history record information to the commission, the commission shall
24 obtain the required criminal history record information pursuant to
25 Sections 411.087 and 411.1236.

26 (c) The commission by rule shall establish criteria for
27 denying a person certification to be fire protection personnel

1 based on the person's criminal history record information. The
2 criteria must relate to a person's fitness to serve as fire
3 protection personnel.

4 (d) Criminal history record information received by the
5 commission is privileged and confidential and for commission use
6 only.

7 SECTION 19. Subsections (a), (b), and (c), Section 419.034,
8 Government Code, are amended to read as follows:

9 (a) A fire department or other employing entity may renew an
10 unexpired certification by, ~~[paying to the commission]~~ before the
11 expiration date of the certificate:

12 (1) submitting evidence satisfactory to the
13 commission of completion of any required professional education;
14 and

15 (2) paying to the commission the required renewal fee.

16 (b) If a person's certificate has been expired for 30 days
17 or less, the fire department or other employing entity may renew the
18 certificate by:

19 (1) submitting evidence satisfactory to the
20 commission of completion of any required professional education;
21 and

22 (2) paying to the commission the required renewal fee
23 and a fee that is one-half of the certification fee for the
24 certificate.

25 (c) If a person's certificate has been expired for longer
26 than 30 days but less than one year, the fire department or other
27 employing entity may renew the certificate by:

1 (1) submitting evidence satisfactory to the
2 commission of completion of any required professional education;
3 and

4 (2) paying to the commission all unpaid renewal fees
5 and a fee that is equal to the certification fee.

6 SECTION 20. Section 419.036, Government Code, is amended by
7 adding Subsections (c) and (d) to read as follows:

8 (c) A complaint case opened by the commission based on a
9 violation found during an inspection conducted under Section
10 419.027 must be opened not later than the 30th day after the date
11 the commission provides notice of the violation to the applicable
12 department, agency, institution, or facility.

13 (d) The commission by rule shall create a matrix for
14 determining penalty amounts and disciplinary actions for fire
15 departments, training providers, and certified personnel who
16 commit violations of this chapter or a rule adopted under this
17 chapter. In developing the matrix, the commission shall consider
18 the following factors:

19 (1) compliance history;

20 (2) seriousness of the violation;

21 (3) the safety threat to the public or fire personnel;

22 (4) any mitigating factors; and

23 (5) any other factors the commission considers
24 appropriate.

25 SECTION 21. Subchapter B, Chapter 419, Government Code, is
26 amended by adding Section 419.0366 to read as follows:

27 Sec. 419.0366. TRACKING AND ANALYSIS OF COMPLAINT AND

1 VIOLATION DATA. (a) The commission shall develop and implement a
2 method for tracking and categorizing the sources and types of
3 complaints filed with the commission and of violations of this
4 chapter or a rule adopted under this chapter.

5 (b) The commission shall analyze the complaint and
6 violation data maintained under Subsection (a) to identify trends
7 and areas that may require additional regulation or enforcement.

8 SECTION 22. Subchapter B, Chapter 419, Government Code, is
9 amended by adding Section 419.048 to read as follows:

10 Sec. 419.048. FIRE PROTECTION PERSONNEL INJURY DATA;
11 RECOMMENDATIONS TO REDUCE INJURIES. (a) Pursuant to Section
12 417.004, the commission and the commissioner of insurance, as
13 necessary to allow the agencies to perform their statutory duties,
14 shall transfer information between the two agencies, including
15 injury information from the Texas Fire Incident Reporting System
16 and workers' compensation data showing claims filed by fire
17 protection personnel.

18 (b) Personally identifiable information received by the
19 commission under this section relating to injured fire protection
20 personnel is confidential. The commission may not release, and a
21 person may not gain access to, any information that could
22 reasonably be expected to reveal the identity of injured fire
23 protection personnel.

24 (c) The commission shall evaluate information and data on
25 fire protection personnel injuries and develop recommendations for
26 reducing fire protection personnel injuries. The commission shall
27 forward the recommendations to the state fire marshal not later

1 than September 1 of each year for inclusion in the annual report
2 required by Section 417.0075.

3 (d) The commission shall establish criteria for evaluating
4 fire protection personnel injury information to determine the
5 nature of injuries that the commission should investigate. Based
6 on these investigations, the commission shall identify fire
7 departments in need of assistance in reducing injuries and may
8 provide assistance to those fire departments.

9 SECTION 23. Section 419.906, Government Code, is amended by
10 adding Subsections (d) and (e) to read as follows:

11 (d) The commission may enter a default order if a fire
12 department or training provider fails to take action to correct a
13 violation found during an inspection conducted under this chapter
14 or to request an informal settlement conference before the 61st day
15 after the date the commission provides to the department or
16 provider notice requiring the department or provider to correct the
17 violation.

18 (e) Notwithstanding Section 419.0365, the commission may
19 temporarily suspend a person's or regulated entity's certificate on
20 a determination by a panel of the commission that continued
21 activity by the person or entity would present an immediate threat
22 to the public or to fire service trainees. The panel may hold a
23 meeting for purposes of this subsection by teleconference call
24 pursuant to Section 551.125. A person or regulated entity whose
25 certificate is temporarily suspended under this subsection is
26 entitled to a hearing before the commission not later than the 14th
27 day after the date of the temporary suspension.

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1 SECTION 24. Subchapter Z, Chapter 419, Government Code, is
2 amended by adding Section 419.908 to read as follows:

3 Sec. 419.908. COOPERATION WITH FEDERAL AND STATE ENTITIES
4 IN A DISASTER. In a declared state of disaster under Section
5 418.014, the commission shall coordinate with appropriate state and
6 federal agencies, including the governor's office of the homeland
7 security and the Federal Emergency Management Agency.

8 SECTION 25. Subchapter G, Chapter 614, Government Code, is
9 amended by adding Section 614.105 to read as follows:

10 Sec. 614.105. SEPARATE ACCOUNT FOR MONEY FROM TEXAS
11 COMMISSION ON FIRE PROTECTION. (a) The service shall maintain a
12 separate account within the volunteer fire department assistance
13 fund.

14 (b) The account shall contain money:

15 (1) previously appropriated to the Texas Commission on
16 Fire Protection for the administration of the fire department
17 emergency program and transferred to the service;

18 (2) received from the repayment of outstanding loans
19 transferred to the service from the Texas Commission on Fire
20 Protection fire department emergency program; and

21 (3) from any legislative appropriations for the
22 purposes of Subsection (c).

23 (c) The money in the account may be used only to award grants
24 for scholarships for the education and training of firefighters or
25 for purchasing necessary firefighting equipment and facilities
26 for:

27 (1) a municipal fire department with any number of

1 paid personnel;

2 (2) a fire department operated by its members, some of
3 whom are volunteers and some of whom are paid; or

4 (3) a volunteer fire department.

5 (d) The service shall administer all outstanding loans
6 transferred from the Texas Commission on Fire Protection fire
7 department emergency program and deposit money obtained as
8 repayment of those loans to the credit of the account created under
9 this section.

10 SECTION 26. Subchapter C, Chapter 419, Government Code, is
11 repealed.

12 SECTION 27. (a) As soon as practicable after the effective
13 date of this Act, the governor shall designate a member of the Texas
14 Commission on Fire Protection as the presiding officer of the
15 commission pursuant to Section 419.007, Government Code, as amended
16 by this Act.

17 (b) As soon as practicable after the effective date of this
18 Act, the Texas Commission on Fire Protection shall adopt the rules
19 required by Section 419.0325, Government Code, as added by this
20 Act, and Sections 419.026 and 419.036, Government Code, as amended
21 by this Act.

22 (c) Notwithstanding Section 419.048, Government Code, as
23 added by this Act, the Texas Commission on Fire Protection is not
24 required to submit its annual recommendations to the state fire
25 marshal for inclusion in the report required by Section 417.0075,
26 Government Code, before September 1, 2010.

27 SECTION 28. (a) As soon as practicable after the effective

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1 date of this Act, the Texas Commission on Fire Protection and the
2 Texas Forest Service shall develop and enter into a memorandum of
3 understanding regarding the transfer described in this section.

4 (b) In accordance with the transition plan developed by the
5 Texas Commission on Fire Protection and the Texas Forest Service
6 under Subsection (a) of this section, on January 1, 2010:

7 (1) the fire department emergency program under
8 Subchapter C, Chapter 419, Government Code, is abolished;

9 (2) all money, loans and other contracts, leases,
10 property, and obligations of the Texas Commission on Fire
11 Protection related to the fire department emergency program are
12 transferred to the Texas Forest Service; and

13 (3) the unexpended and unobligated balance of any
14 money appropriated by the legislature for the Texas Commission on
15 Fire Protection related to the fire department emergency program is
16 transferred to the Texas Forest Service.

17 (c) Before January 1, 2010, the Texas Commission on Fire
18 Protection may agree with the Texas Forest Service to transfer any
19 property of the fire department emergency program to implement the
20 transfer required by this Act.

21 SECTION 29. (a) Sections 419.004 and 419.006 and
22 Subsection (a), Section 419.0071, Government Code, as amended by
23 this Act, apply only to a person who is appointed or reappointed as
24 a member of the Texas Commission on Fire Protection on or after the
25 effective date of this Act. A person appointed or reappointed as a
26 member of the commission before the effective date of this Act is
27 governed by the law in effect immediately before that date, and the

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1 former law is continued in effect for that purpose.

2 (b) Section 419.005, Government Code, as amended by this
3 Act, applies only to a ground for removal that occurs on or after
4 the effective date of this Act. A ground for removal that occurs
5 before the effective date of this Act is governed by the law in
6 effect immediately before that date, and the former law is
7 continued in effect for that purpose.

8 (c) Subsection (b), Section 419.0071, Government Code, as
9 amended by this Act, applies only to a training program attended on
10 or after the effective date of this Act. A training program
11 attended before the effective date of this Act is governed by the
12 law in effect immediately before that date, and the former law is
13 continued in effect for that purpose.

14 (d) Subsection (c), Section 419.0071, Government Code, as
15 amended by this Act, applies only to expenses incurred on or after
16 the effective date of this Act. Expenses incurred before the
17 effective date of this Act are governed by the law in effect
18 immediately before that date, and the former law is continued in
19 effect for that purpose.

20 (e) Section 419.0082, Government Code, as amended by this
21 Act, applies to a rule adopted on or after the effective date of
22 this Act. A rule adopted before the effective date of this Act is
23 governed by the law in effect immediately before that date, and the
24 former law is continued in effect for that purpose.

25 (f) Section 419.026, Government Code, as amended by this
26 Act, applies only to a certificate issued or renewed on or after
27 January 1, 2010. A certificate issued or renewed before January 1,

1 2010, is governed by the law in effect on the date the certificate
2 was issued or renewed, and the former law is continued in effect for
3 that purpose.

4 (g) Section 419.032, Government Code, as amended by this
5 Act, and Section 419.0325, Government Code, as added by this Act,
6 apply only to a person who applies for an initial certificate on or
7 after January 1, 2010. A person who applies for an initial
8 certificate before January 1, 2010, is governed, even in relation
9 to the person's renewal of the certificate on or after that date, by
10 the law in effect immediately before that date, and the former law
11 is continued in effect for that purpose.

12 (h) Section 419.034, Government Code, as amended by this
13 Act, applies to a certificate renewed on or after the effective date
14 of this Act. A certificate renewed before the effective date of
15 this Act is governed by the law in effect immediately before that
16 date, and the former law is continued in effect for that purpose.

17 (i) Subsection (d), Section 419.906, Government Code, as
18 added by this Act, applies only to an order pursuant to a violation
19 that occurs on or after the effective date of this Act. An order
20 pursuant to a violation that occurs before the effective date of
21 this Act is governed by the law in effect immediately before that
22 date, and the former law is continued in effect for that purpose.

23 SECTION 30. (a) Except as provided by Subsection (b) of
24 this section, this Act takes effect September 1, 2009.

25 (b) The following changes in law take effect January 1,
26 2010:

27 (1) the repeal of Subchapter C, Chapter 419,

52 JS

S.B. No. 1011

- 1 Government Code;
- 2 (2) the amendment to Section 419.026, Government Code;
- 3 and
- 4 (3) the amendment to Subchapter G, Chapter 614,
- 5 Government Code.

David Newkumst

President of the Senate

John Strawn

Speaker of the House

I hereby certify that S.B. No. 1011 passed the Senate on April 20, 2009, by the following vote: Yeas 30, Nays 0; May 21, 2009, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2009, House granted request of the Senate; May 31, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Datsy Spaw

Secretary of the Senate

I hereby certify that S.B. No. 1011 passed the House, with amendments, on May 15, 2009, by the following vote: Yeas 137, Nays 1, one present not voting; May 30, 2009, House granted request of the Senate for appointment of Conference Committee; May 31, 2009, House adopted Conference Committee Report by the following vote: Yeas 143, Nays 2, one present not voting.

Robert Haney

Chief Clerk of the House

Approved:

19 JUN '09

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2PM O'CLOCK

JUN 19 2009

Colby Shuter III