1	AN ACT				
2	relating to the regulation of firefighters and fire departments by				
3	the Texas Commission on Fire Protection.				
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:				
5	SECTION 1. Section 419.0082, Government Code, is amended by				
6	adding Subsection (d) to read as follows:				
7	(d) Notwithstanding other provisions of this section, the				
8	commission may, without review by an advisory committee, make				
9	nonsubstantive clerical changes to a rule.				
10	SECTION 2. Section 419.0322, Government Code, is amended to				
11	read as follows:				
12	Sec. 419.0322. CATEGORIES AND DESIGNATION OF PERSONS				
13	PERFORMING FIRE PROTECTION DUTIES. (a) Each person who is				
14	assigned by a fire department to perform one or more duties listed				
15	under Section 419.021(3)(C) [419.021(a)(3)(B)] must be:				
16	(1) fire protection personnel;				
17	(2) a part-time fire protection employee; or				
18	(3) a volunteer or other auxiliary fire fighter.				
19	(b) Each fire department shall designate each person who is				
20	assigned by the department to perform one or more duties listed				
21	under Section $419.021(3)(C)$ $[419.021(a)(3)(B)]$ as fire protection				
22	personnel, a part-time fire protection employee, or a volunteer or				
23	auxiliary fire fighter, but a department may not designate the same				
24	nerson under more than one category under this section. The				

- 1 designation shall be made on the records of the department and the
- 2 designation shall be made available for inspection by the
- 3 commission or sent to the commission on request.
- 4 (c) A fire department may not compensate, reimburse, or
- 5 provide benefits to a person the department has designated as a
- 6 volunteer or other auxiliary fire fighter to the extent that the
- 7 person would be considered fully paid fire protection personnel
- 8 [under Section 419.021(b)].
- 9 (d) A person designated as a part-time fire protection
- 10 employee under this section is subject to Section 419.0321.
- SECTION 3. Section 419.063, Government Code, is amended by
- 12 amending Subsection (c) and adding Subsection (d) to read as
- 13 follows:
- 14 (c) The commission may not use money appropriated for
- 15 scholarships, grants, loans, and other financial assistance to be
- 16 awarded under this subchapter for the administrative expenses [of
- 17 the commission or of the funds allocation advisory committee.
- 18 (d) The commission may not approve an application if the
- 19 applicant provides fire suppression services and the applicant does
- 20 not routinely and consistently report incidents to the Texas Fire
- 21 Incident Reporting System and participate in the National Incident
- 22 Management System in accordance with the Federal Emergency
- 23 Management Agency timeline. The applicant shall furnish sufficient
- 24 proof of the required reporting to the commission at the time the
- 25 application for a scholarship, grant, loan, or other financial
- 26 assistance is submitted.
- 27 SECTION 4. This Act takes effect immediately if it receives

- 1 a vote of two-thirds of all the members elected to each house, as
- 2 provided by Section 39, Article III, Texas Constitution. If this
- 3 Act does not receive the vote necessary for immediate effect, this
- 4 Act takes effect on the 91st day after the last day of the
- 5 legislative session.

round	Bu	wh	uasi	
Presiden	t of	the	Senate	

Speaker of the House

I hereby certify that S.B. No. 879 passed the Senate on April 19, 2005, by the following vote: Yeas 28, Nays 1; and that the Senate concurred in House amendment on May 11, 2005, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

<u>I hereby certify</u> that S.B. No. 879 passed the House, with amendment, on May 9, 2005, by the following vote: Yeas 140, Nays O, one present not voting.

Chief Clerk of the House

Approved:

20 MAY 05

Date

CK PERRY

SECRETARY OF STATE

MAY 2 0 2005

Secretary of State Claum 5