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 person under more than one category under this section. The

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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.

11 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.

_____   _____
    President 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

I hereby certify that S.B. No. 879 passed the House, with amendment, on May 9, 2005, by the following vote: Yeas 140, Nays 0, one present not voting.

_____
    Chief Clerk of the House

Approved:

_____
    Date

_____
    Governor