

By: Gallegos, Van de Putte

S.B. No. 879

A BILL TO BE ENTITLED

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AN ACT

relating to the regulation of firefighters and fire departments by the Texas Commission on Fire Protection.

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

SECTION 1. Section 419.0082, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding other provisions of this section, the commission may, without review by an advisory committee, make nonsubstantive clerical changes to a rule.

SECTION 2. Section 419.0322, Government Code, is amended to read as follows:

Sec. 419.0322. CATEGORIES AND DESIGNATION OF PERSONS PERFORMING FIRE PROTECTION DUTIES. (a) Each person who is assigned by a fire department to perform one or more duties listed under Section 419.021(3)(C) [~~419.021(a)(3)(B)~~] must be:

- (1) fire protection personnel;
- (2) a part-time fire protection employee; or
- (3) a volunteer or other auxiliary fire fighter.

(b) Each fire department shall designate each person who is assigned by the department to perform one or more duties listed under Section 419.021(3)(C) [~~419.021(a)(3)(B)~~] as fire protection personnel, a part-time fire protection employee, or a volunteer or auxiliary fire fighter, but a department may not designate the same person 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.

11 SECTION 3. Section 419.063, Government Code, is amended by  
12 adding Subsection (d) to read as follows:

13 (d) The commission may not approve an application if the  
14 applicant provides fire suppression services and the applicant does  
15 not routinely and consistently report incidents to the Texas Fire  
16 Incident Reporting System and participate in the National Incident  
17 Management System in accordance with the Federal Emergency  
18 Management Agency timeline. The applicant shall furnish sufficient  
19 proof of the required reporting to the commission at the time the  
20 application for a scholarship, grant, loan, or other financial  
21 assistance is submitted.

22 SECTION 4. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect on the 91st day after the last day of the  
27 legislative session.