

1-1 By: Gallegos S.B. No. 879
1-2 (In the Senate - Filed March 2, 2005; March 10, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; March 29, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 March 29, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 879 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of firefighters and fire departments by
1-11 the Texas Commission on Fire Protection.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 419.0082, Government Code, is amended by
1-14 adding Subsection (d) to read as follows:

1-15 (d) Notwithstanding other provisions of this section, the
1-16 commission may, without review by an advisory committee, make
1-17 nonsubstantive clerical changes to a rule or adjust the amount of a
1-18 fee prescribed by a rule.

1-19 SECTION 2. Section 419.0322, Government Code, is amended to
1-20 read as follows:

1-21 Sec. 419.0322. CATEGORIES AND DESIGNATION OF PERSONS
1-22 PERFORMING FIRE PROTECTION DUTIES. (a) Each person who is
1-23 assigned by a fire department to perform one or more duties listed
1-24 under Section 419.021(3)(C) [~~419.021(a)(3)(B)~~] must be:

- 1-25 (1) fire protection personnel;
- 1-26 (2) a part-time fire protection employee; or
- 1-27 (3) a volunteer or other auxiliary fire fighter.

1-28 (b) Each fire department shall designate each person who is
1-29 assigned by the department to perform one or more duties listed
1-30 under Section 419.021(3)(C) [~~419.021(a)(3)(B)~~] as fire protection
1-31 personnel, a part-time fire protection employee, or a volunteer or
1-32 auxiliary fire fighter, but a department may not designate the same
1-33 person under more than one category under this section. The
1-34 designation shall be made on the records of the department and the
1-35 designation shall be made available for inspection by the
1-36 commission or sent to the commission on request.

1-37 (c) A fire department may not compensate, reimburse, or
1-38 provide benefits to a person the department has designated as a
1-39 volunteer or other auxiliary fire fighter to the extent that the
1-40 person would be considered fully paid fire protection personnel
1-41 [~~under Section 419.021(b)~~].

1-42 (d) A person designated as a part-time fire protection
1-43 employee under this section is subject to Section 419.0321.

1-44 SECTION 3. Section 419.063, Government Code, is amended by
1-45 adding Subsection (d) to read as follows:

1-46 (d) The commission may not approve an application if the
1-47 applicant provides fire suppression services and the applicant does
1-48 not routinely and consistently report incidents to the Texas Fire
1-49 Incident Reporting System and participate in the National Incident
1-50 Management System in accordance with the Federal Emergency
1-51 Management Agency timeline. The applicant shall furnish sufficient
1-52 proof of the required reporting to the commission at the time the
1-53 application for a scholarship, grant, loan or other financial
1-54 assistance is submitted.

1-55 SECTION 4. This Act takes effect immediately if it receives
1-56 a vote of two-thirds of all the members elected to each house, as
1-57 provided by Section 39, Article III, Texas Constitution. If this
1-58 Act does not receive the vote necessary for immediate effect, this
1-59 Act takes effect on the 91st day after the last day of the
1-60 legislative session.

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