

BILL ANALYSIS

C.S.H.B. 4002
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Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Eight of the past eleven years have seen catastrophic fire seasons in Texas. Following the 1998 fire season, the Texas Forest Service developed the Texas Wildfire Protection Plan, which in 1999 was funded by the legislature as a pilot project. The forest service has successfully implemented the plan, which has since been adopted as a national model. The plan is a proactive interagency response model emphasizing prevention, risk reduction, hazard mitigation, pre-positioning of resources based on fire risk, and unified operations among local, state, and federal responders.

Texas is one of the few states that rely primarily on volunteer fire departments to suppress wildfires. The legislature has done a good job of helping the forest service build volunteer fire department capabilities. When conditions exceed the capacity of local fire departments, however, the forest service must respond. Fire seasons continue to increase in duration and intensity for several reasons. The combination of an extended drought cycle, increased vegetation due to changes in agriculture practices, and increased population in nonurban areas have caused a significant increase in fire occurrence, fire intensity, and values at risk. The forest service's ability to meet its fire suppression mission has been negatively affected by the drastic reduction in forest industry personnel and equipment availability. Industry has long played a key role in assisting the forest service with suppressing fires, but industry personnel and bulldozers are no longer available. Statistics have proven that wildfires are both a rural and urban problem, and 85 percent of wildfires occur within two miles of a community.

Texas Forest Service is also the incident-management agency for Texas and, as such, is routinely called upon to assist local governments and other state and federal agencies in managing emergency response incidents. The agency's responsibilities also now include homeland security.

The forest service's traditional role of fighting wildland fires was expanded to all-emergency response in the early 1990s, and the agency's traditional service area of East Texas was expanded to the entire state in 1993. No additional funding was provided to the agency to support this expanded role and service area until the pilot program funding of \$4 million per year for the Texas Wildfire Protection Plan beginning with the fiscal year 2000-2001 biennium. That amount has since been reduced. The impact of underfunding this important need has been realized during the current fire season. If fully funded, predictions are that the plan will reduce wildfire losses by at least 80 percent. To fully fund the plan would require a \$20.4 million increase in annual funding. That would be a significant increase over current levels, and thus a stair step approach over the next few bienniums is recommended.

C.S.H.B. 4002 authorizes the forest service to expend an amount not exceeding \$5 million per year from the volunteer fire department assistance fund.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4002 amends the Government Code to authorize the Texas Forest Service to expend an amount not to exceed \$5 million per year from the volunteer fire department assistance fund for staffing and operating costs associated with the preparation and delivery of the statewide wildfire protection plan.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4002 differs from the original by amending a different section of the Government Code, but with a similar provision. The substitute, in amending a different section, deletes a clarification that the bill's expenditure authorization is in addition to statutory provisions relating to administrative costs. The substitute refers to costs associated with the preparation and delivery of the forest service's statewide wildfire protection plan, rather than just delivery of the plan as in the original. The substitute changes the effective date of the bill.