

By: Davis of Dallas

H.B. No. 2298

A BILL TO BE ENTITLED

AN ACT

relating to the duties, functions, and operations of the Texas
Commission on Fire Protection.

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

SECTION 1. Section 419.0082(a), Government Code, is amended
to read as follows:

(a) In adopting or amending a rule under Section 419.008(a)
or any other law, the commission may ~~shall~~ seek the input of the
fire fighter advisory committee and may request ~~[, when appropriate,~~
~~the funds allocation advisory committee. The commission shall~~
~~permit]~~ the ~~[appropriate]~~ advisory committee to review and comment
on any proposed rule, including a proposed amendment to a rule,
before the rule is adopted.

SECTION 2. Section 419.023(e), Government Code, is amended
to read as follows:

(e) On request by the commission, the ~~[The]~~ committee
~~[periodically]~~ shall review commission rules relating to fire
protection personnel, fire departments, and other fire fighters and
fire fighting organizations that are subject to regulation under
this subchapter and recommend changes in the rules to the
commission.

SECTION 3. Subchapter Z, Chapter 419, Government Code, is
amended by adding Section 419.908 to read as follows:

Sec. 419.908. COOPERATION WITH FEDERAL AND STATE ENTITIES

1 IN A DISASTER. In a declared state of disaster under Section
2 418.014, the commission shall coordinate with appropriate state and
3 federal agencies, including the governor's office of homeland
4 security and the Federal Emergency Management Agency.

5 SECTION 4. (a) Sections 419.0082(b), (c), and (d),
6 Government Code, are repealed.

7 (b) Subchapter C, Chapter 419, Government Code, is
8 repealed.

9 SECTION 5. (a) As soon as practicable after the effective
10 date of this Act, the Texas Commission on Fire Protection and the
11 Texas Forest Service shall develop and enter into a memorandum of
12 understanding regarding the transfer described in this section.

13 (b) In accordance with the transition plan developed by the
14 Texas Commission on Fire Protection and the Texas Forest Service
15 under Subsection (a) of this section, on January 1, 2010:

16 (1) the fire department emergency program under
17 Subchapter C, Chapter 419, Government Code, is abolished;

18 (2) all money, loans and other contracts, leases,
19 property, and obligations of the Texas Commission on Fire
20 Protection related to the fire department emergency program are
21 transferred to the Texas Forest Service; and

22 (3) the unexpended and unobligated balance of any
23 money appropriated by the legislature for the Texas Commission on
24 Fire Protection related to the fire department emergency program is
25 transferred to the Texas Forest Service.

26 (c) Before January 1, 2010, the Texas Commission on Fire
27 Protection may agree with the Texas Forest Service to transfer any

1 property of the fire department emergency program to implement the
2 transfer required by this Act.

3 (d) The Texas Forest Service shall separately account for
4 money transferred under this section, including money received as
5 repayment for a loan transferred under this section. The Texas
6 Forest Service may adopt rules to award this money to any applicants
7 that would have been eligible for grants or loans from the fire
8 department emergency program as it existed immediately before
9 January 1, 2010.

10 (e) The Texas Forest Service shall administer any
11 outstanding loans transferred under this section.

12 SECTION 6. Section 419.0082, Government Code, as amended by
13 this Act, applies to a rule adopted on or after the effective date
14 of this Act. A rule adopted before the effective date of this Act is
15 governed by the law in effect immediately before that date, and the
16 former law is continued in effect for that purpose.

17 SECTION 7. (a) Except as provided by Subsection (b) of this
18 section, this Act takes effect September 1, 2009.

19 (b) The repeal of Subchapter C, Chapter 419, Government
20 Code, by this Act takes effect January 1, 2010.