

By: Harper-Brown, Davis of Dallas, et al.

H.B. No. 3390

Substitute the following for H.B. No. 3390:

By: Gutierrez

C.S.H.B. No. 3390

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the continuation and functions of the Texas Commission  
3 on Fire Protection.

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

5 SECTION 1. The heading to Chapter 419, Government Code, is  
6 amended to read as follows:

7 CHAPTER 419. TEXAS [~~COMMISSION ON~~] FIRE PROTECTION AGENCY

8 SECTION 2. Section 419.001(1), Government Code, is amended  
9 to read as follows:

10 (1) "Commission" means the Texas [~~Commission on~~] Fire  
11 Protection Agency.

12 SECTION 3. Section 419.002, Government Code, is amended to  
13 read as follows:

14 Sec. 419.002. TEXAS FIRE PROTECTION AGENCY  
15 [~~COMMISSION~~]. The Texas [~~Commission on~~] Fire Protection Agency is  
16 an agency of the state.

17 SECTION 4. Subchapter A, Chapter 419, Government Code, is  
18 amended by adding Section 419.0025 to read as follows:

19 Sec. 419.0025. REFERENCE. A reference in law to the Texas  
20 Commission on Fire Protection means the Texas Fire Protection  
21 Agency.

22 SECTION 5. Section 419.003, Government Code, is amended to  
23 read as follows:

24 Sec. 419.003. SUNSET PROVISION. The Texas [~~Commission on~~]

1 Fire Protection Agency is subject to Chapter 325 (Texas Sunset  
2 Act). Unless continued in existence as provided by that chapter,  
3 the Texas Fire Protection Agency [~~commission~~] is abolished and this  
4 chapter expires September 1, 2021 [~~2009~~].

5 SECTION 6. Section 419.004(e), Government Code, is amended  
6 to read as follows:

7 (e) A person may not be [~~is not eligible for appointment as~~]  
8 a public member of the commission if the person or the person's  
9 spouse:

10 (1) is registered, certified, or licensed by a  
11 regulatory agency in the field of fire protection [~~the commission~~];

12 (2) is employed by or participates in the management  
13 of a business entity or other organization regulated by [~~the~~  
14 ~~commission~~] or receiving money [~~funds~~] from the commission;

15 (3) owns or controls, directly or indirectly, more  
16 than a 10 percent interest in a business entity or other  
17 organization regulated by [~~the commission~~] or receiving money  
18 [~~funds~~] from the commission;

19 (4) uses or receives a substantial amount of tangible  
20 goods, services, or money [~~funds~~] from the commission, other than  
21 compensation or reimbursement authorized by law for commission  
22 membership, attendance, or expenses; or

23 (5) is employed in the field of [~~a member of a paid or~~  
24 ~~volunteer~~] fire protection [~~department~~].

25 SECTION 7. Sections 419.005(a) and (c), Government Code,  
26 are amended to read as follows:

27 (a) It is a ground for removal from the commission that [~~if~~]

1 a member:

2 (1) does not have at the time of taking office  
3 [~~appointment~~] the qualifications required by Section 419.004;

4 (2) does not maintain during service on the commission  
5 the qualifications required by Section 419.004;

6 (3) is ineligible for membership under [~~violates a~~  
7 ~~prohibition established by~~] Section 419.006;

8 (4) cannot, because of illness or disability,  
9 discharge the member's duties for a substantial part of the member's  
10 term [~~for which the member is appointed because of illness or~~  
11 ~~disability~~]; or

12 (5) is absent from more than half of the regularly  
13 scheduled commission meetings that the member is eligible to attend  
14 during a calendar year without an excuse approved [~~unless the~~  
15 ~~absence is excused~~] by majority vote of the commission.

16 (c) If the executive director has knowledge that a potential  
17 ground for removal exists, the executive director shall notify the  
18 presiding officer of the commission of the potential ground. The  
19 presiding officer shall then notify the governor and the attorney  
20 general that a potential ground for removal exists. If the  
21 potential ground for removal involves the presiding officer, the  
22 executive director shall notify the next highest ranking officer of  
23 the commission, who shall then notify the governor and the attorney  
24 general that a potential ground for removal exists.

25 SECTION 8. Section 419.006, Government Code, is amended to  
26 read as follows:

27 Sec. 419.006. CONFLICT OF INTEREST. (a) In [~~An officer,~~

1 ~~employee, or paid consultant of a Texas trade association in the~~  
2 ~~field of fire protection may not be a member of the commission or an~~  
3 ~~employee of the commission who is exempt from the state's position~~  
4 ~~classification plan or is compensated at or above the amount~~  
5 ~~prescribed by the General Appropriations Act for step 1, salary~~  
6 ~~group 17, of the position classification salary schedule.~~

7 ~~[(b) A person who is the spouse of an officer, manager, or~~  
8 ~~paid consultant of a Texas trade association in the field of fire~~  
9 ~~protection may not be a commission member and may not be a~~  
10 ~~commission employee who is exempt from the state's position~~  
11 ~~classification plan or is compensated at or above the amount~~  
12 ~~prescribed by the General Appropriations Act for step 1, salary~~  
13 ~~group 17, of the position classification salary schedule.~~

14 ~~[(c) For the purposes of]~~ this section, "Texas trade  
15 association" means ~~[a Texas trade association is]~~ a ~~[nonprofit,~~  
16 cooperative~~]~~ and voluntarily joined statewide association of  
17 business or professional competitors in this state designed to  
18 assist its members and its industry or profession in dealing with  
19 mutual business or professional problems and in promoting their  
20 common interest.

21 (b) A person may not be a member of the commission and may  
22 not be a commission employee employed in a "bona fide executive,  
23 administrative, or professional capacity," as that phrase is used  
24 for purposes of establishing an exemption to the overtime  
25 provisions of the federal Fair Labor Standards Act of 1938 (29  
26 U.S.C. Section 201 et seq.), if:

27 (1) the person is an officer, employee, or paid

1 consultant of a Texas trade association in the field of fire  
2 protection; or

3 (2) the person's spouse is an officer, manager, or paid  
4 consultant of a Texas trade association in the field of fire  
5 protection.

6 (c) [~~(d)~~] A person may not be [~~serve as~~] a member of the  
7 commission or act as the general counsel to the commission or the  
8 agency if the person is required to register as a lobbyist under  
9 Chapter 305 because of the person's activities for compensation on  
10 behalf of a profession related to the operation of the commission.

11 SECTION 9. Section 419.007(a), Government Code, is amended  
12 to read as follows:

13 (a) The governor shall designate a member of the commission  
14 [~~fire protection instructor appointed under Section 419.004(a)(6)~~  
15 ~~serves~~] as the presiding officer of the commission to serve in that  
16 capacity at the pleasure of [~~unless~~] the governor [~~designates~~  
17 ~~another member as presiding officer~~]. The commission shall elect  
18 from among its members an assistant presiding officer and a  
19 secretary.

20 SECTION 10. Section 419.0071, Government Code, is amended  
21 to read as follows:

22 Sec. 419.0071. COMMISSION MEMBER TRAINING. (a) A [~~To be~~  
23 ~~eligible to take office as a member of the commission, a~~] person who  
24 is appointed to and qualifies for office as a member of the  
25 commission may not vote, deliberate, or be counted as a member in  
26 attendance at a meeting of the commission until the person  
27 completes [~~must complete at least one course of~~] a training program

1 that complies with this section.

2 (b) The training program must provide ~~[information to]~~ the  
3 person with information regarding:

4 (1) the ~~[enabling]~~ legislation that created the  
5 commission;

6 (2) the programs, ~~[operated by the commission,~~

7 ~~[(3) the role and]~~ functions, ~~[of the commission,~~

8 ~~[(4) the] rules, and [of the commission with an~~

9 ~~emphasis on the rules that relate to disciplinary and investigatory~~

10 ~~authority,~~

11 ~~[(5) the current]~~ budget of ~~[for]~~ the commission;

12 (3) ~~[(6)]~~ the results of the most recent formal audit

13 of the commission;

14 (4) ~~[(7)]~~ the requirements of laws relating to ~~[the:~~

15 ~~[(A)]~~ open meetings ~~[law],~~ public information

16 ~~[Chapter 551,~~

17 ~~[(B) open records law, Chapter 552, and~~

18 ~~[(C) administrative procedure law], and [Chapter~~

19 ~~2001,~~

20 ~~[(8) the requirements of the conflict]~~ conflicts of

21 interest ~~[interests laws and other laws relating to public~~

22 ~~officials]; and~~

23 (5) ~~[(9)]~~ any applicable ethics policies adopted by

24 the commission ~~[agency]~~ or the Texas Ethics Commission.

25 (c) A person appointed to the commission is entitled to  
26 reimbursement, as provided by the General Appropriations Act, for

27 the travel expenses incurred in attending the training program

1 regardless of whether the attendance at the program occurs before  
2 or after [~~, as provided by the General Appropriations Act and as if]~~  
3 the person qualifies for office [~~were a member of the commission~~].

4 SECTION 11. Subchapter A, Chapter 419, Government Code, is  
5 amended by adding Section 419.0083 to read as follows:

6 Sec. 419.0083. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE  
7 RESOLUTION. (a) The commission shall develop and implement a  
8 policy to encourage the use of:

9 (1) negotiated rulemaking procedures under Chapter  
10 2008 for the adoption of commission rules; and

11 (2) appropriate alternative dispute resolution  
12 procedures under Chapter 2009 to assist in the resolution of  
13 internal and external disputes under the commission's  
14 jurisdiction.

15 (b) The commission's procedures relating to alternative  
16 dispute resolution must conform, to the extent possible, to any  
17 model guidelines issued by the State Office of Administrative  
18 Hearings for the use of alternative dispute resolution by state  
19 agencies.

20 (c) The commission shall designate a trained person to:

21 (1) coordinate the implementation of the policy  
22 adopted under Subsection (a);

23 (2) serve as a resource for any training needed to  
24 implement the procedures for negotiated rulemaking or alternative  
25 dispute resolution; and

26 (3) collect data concerning the effectiveness of those  
27 procedures, as implemented by the commission.

1 SECTION 12. Section 419.009(c), Government Code, is amended  
2 to read as follows:

3 (c) The commission shall develop and implement policies  
4 that clearly separate the policy-making [~~define the respective~~]  
5 responsibilities of the commission and the management  
6 responsibilities of the executive director and the staff of the  
7 commission.

8 SECTION 13. Section 419.011, Government Code, is amended to  
9 read as follows:

10 Sec. 419.011. [~~PUBLIC INTEREST INFORMATION AND~~]  
11 COMPLAINTS. (a) The commission shall maintain a system to  
12 promptly and efficiently act on complaints filed with the  
13 commission. The commission shall maintain information about  
14 parties to the complaint, the subject matter of the complaint, a  
15 summary of the results of the review or investigation of the  
16 complaint, and its disposition.

17 (b) The commission shall make [~~prepare~~] information  
18 available [~~of public interest~~] describing its [~~the functions of the~~  
19 ~~commission and the commission's~~] procedures for complaint  
20 investigation and resolution [~~by which complaints are filed with~~  
21 ~~and resolved by the commission. The commission shall make the~~  
22 ~~information available to the public and appropriate state agencies.~~

23 [~~(b) The commission shall keep a file about each written~~  
24 ~~complaint filed with the commission that the commission has~~  
25 ~~authority to resolve. The commission shall provide to the person~~  
26 ~~filing the complaint and the persons or entities complained about~~  
27 ~~the commission's policies and procedures pertaining to complaint~~



1 ~~investigation and resolution].~~

2       (c) The commission~~[, at least quarterly and until final~~  
3 ~~disposition of the complaint,]~~ shall periodically notify the  
4 ~~[person filing the]~~ complaint parties ~~[and the persons or entities~~  
5 ~~complained about]~~ of the status of the complaint until final  
6 disposition ~~[unless the notice would jeopardize an undercover~~  
7 ~~investigation.~~

8       ~~[(c) The commission shall keep information about each~~  
9 ~~complaint filed with the commission. The information shall~~  
10 ~~include:~~

11               ~~[(1) the date the complaint is received,~~

12               ~~[(2) the name of the complainant,~~

13               ~~[(3) the subject matter of the complaint,~~

14               ~~[(4) a record of all persons contacted in relation to~~  
15 ~~the complaint,~~

16               ~~[(5) a summary of the results of the review or~~  
17 ~~investigation of the complaint, and~~

18               ~~[(6) for complaints for which the agency took no~~  
19 ~~action, an explanation of the reason the complaint was closed~~  
20 ~~without action.~~

21       ~~[(d) The commission shall comply with federal and state laws~~  
22 ~~related to program and facility accessibility. The executive~~  
23 ~~director shall also prepare and maintain a written plan that~~  
24 ~~describes how a person who does not speak English can be provided~~  
25 ~~reasonable access to the commission's programs].~~

26       SECTION 14. Subchapter A, Chapter 419, Government Code, is  
27 amended by adding Section 419.012 to read as follows:

1       Sec. 419.012. TECHNOLOGICAL SOLUTIONS. The commission  
2 shall implement a policy requiring the commission to use  
3 appropriate technological solutions to improve the commission's  
4 ability to perform its functions. The policy must ensure that the  
5 public is able to interact with the commission on the Internet.

6       SECTION 15. Section 419.021, Government Code, is amended by  
7 adding Subdivision (8) to read as follows:

8       (8) "Volunteer fire department" means a fire  
9 department operated by its members, including a part-paid fire  
10 department, that is operated on a not-for-profit basis, including a  
11 department that is exempt from federal income tax under Section  
12 501(a), Internal Revenue Code of 1986, by being listed as an exempt  
13 organization in Section 501(c)(3) of that code.

14       SECTION 16. Section 419.022(a), Government Code, is amended  
15 to read as follows:

16       (a) The commission may:

17               (1) require the submission of reports and information  
18 by a local governmental agency in this state that employs fire  
19 protection personnel;

20               (2) assist fire departments, volunteer fire  
21 departments, volunteer firefighters, and fire protection personnel  
22 with problems related to fire-fighting techniques, clothing, and  
23 equipment;

24               (3) assist fire departments and local governments with  
25 the development and updating of local fire codes;

26               (4) on request, assist in performing staffing studies  
27 of fire departments; [~~and~~]

1           (5) establish minimum educational, training,  
2 physical, and mental standards for admission to employment as fire  
3 protection personnel in a permanent, temporary, or probationary  
4 status and for advanced or specialized fire protection personnel  
5 positions; and

6           (6) establish under Subchapter D minimum educational  
7 and training standards for volunteer firefighters.

8           SECTION 17. Section 419.023, Government Code, is amended by  
9 amending Subsection (e) and adding Subsection (f) to read as  
10 follows:

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

17           (f) Appointments to the committee shall be made without  
18 regard to the race, color, disability, sex, religion, age, or  
19 national origin of the appointees.

20           SECTION 18. Section 419.026(a), Government Code, is amended  
21 to read as follows:

22           (a) The commission shall set and collect a fee ~~[of not more~~  
23 ~~than \$35]~~ for each certificate that the commission issues or renews  
24 under this subchapter, except that if a person holds more than one  
25 certificate the commission may collect only one fee each year for  
26 the renewal of those certificates. The commission by rule shall set  
27 the amount of the fee under this subsection in an amount designed to

1 recover the commission's costs in connection with issuing  
2 certificates under this subchapter, including the cost to the  
3 commission of obtaining fingerprint-based criminal history record  
4 information under Section 419.0325. The employing agency or entity  
5 shall pay the ~~[this]~~ fee in the manner prescribed ~~[as provided]~~ by  
6 commission rule. The certificate must be renewed annually.

7 SECTION 19. Section 419.027, Government Code, is amended to  
8 read as follows:

9 Sec. 419.027. BIENNIAL INSPECTIONS. (a) At least  
10 biennially, the commission shall visit and inspect each institution  
11 or facility conducting courses for training fire protection  
12 personnel and recruits, each fire department, and each local  
13 governmental agency providing fire protection to determine if the  
14 department, agency, institution, or facility is complying with this  
15 chapter and commission rules.

16 (b) The commission may conduct risk-based inspections of  
17 institutions and facilities in addition to the inspections under  
18 Subsection (a). In determining whether to conduct an inspection of  
19 an institution or facility under this subsection, the commission  
20 shall consider:

21 (1) how recently the institution or facility has come  
22 under regulation;

23 (2) the institution's or facility's history of  
24 compliance with state law and commission rules;

25 (3) the number of complaints filed with the commission  
26 regarding the institution or facility during the last year;

27 (4) the number of paid personnel in the institution or

- 1 facility;
- 2 (5) the frequency of fire responses;
- 3 (6) the institution's or facility's ability to inspect
- 4 and maintain equipment; and
- 5 (7) any other factor the commission considers
- 6 appropriate to assess an institution's or facility's safety risk.

7 SECTION 20. Sections 419.032(a) and (d), Government Code,  
8 are amended to read as follows:

9 (a) A fire department may not appoint a person to the fire  
10 department, except on a temporary or probationary basis, unless:

11 (1) the person:

12 (A) [~~(1)~~] has satisfactorily completed a  
13 preparatory program of training in fire protection at a school  
14 approved by the commission; and

15 (B) [~~(2)~~] meets the qualifications established  
16 by the commission under Subsection (b); and

17 (2) the commission has approved the person's  
18 fingerprint-based criminal history record information under  
19 Section 419.0325.

20 (d) The commission may certify persons who are qualified  
21 under this subchapter to be fire protection personnel. The  
22 commission shall adopt rules relating to presentation of evidence  
23 of satisfactory completion of a program or course of instruction in  
24 another jurisdiction equivalent in content and quality to that  
25 required by the commission for approved fire protection education  
26 and training programs in this state and shall issue to a person  
27 meeting the rules and the requirements of Section 419.0325 a

1 certificate evidencing satisfaction of Subsections (a) and (b). The  
2 commission may waive any certification requirement, except those  
3 under Section 419.0325, for an applicant with a valid license from  
4 another state having certification requirements substantially  
5 equivalent to those of this state.

6 SECTION 21. Subchapter B, Chapter 419, Government Code, is  
7 amended by adding Section 419.0325 to read as follows:

8 Sec. 419.0325. CRIMINAL HISTORY RECORD INFORMATION  
9 APPROVAL REQUIRED FOR CERTIFICATION. (a) The commission may not  
10 certify a person as fire protection personnel unless the  
11 commission, after review, has approved fingerprint-based criminal  
12 history record information about the person obtained from the  
13 Department of Public Safety under Subchapter F, Chapter 411, and  
14 from the Federal Bureau of Investigation under Section 411.087.

15 (b) The applicant for certification or the fire department  
16 may submit the required fingerprint-based state and national  
17 criminal history record information to the commission. If neither  
18 the applicant nor the fire department submits the required criminal  
19 history record information to the commission, the commission shall  
20 obtain the required criminal history record information pursuant to  
21 Sections 411.087 and 411.1236.

22 (c) The commission by rule shall establish criteria for  
23 denying a person certification to be fire protection personnel  
24 based on the person's criminal history record information. The  
25 criteria must relate to a person's fitness to serve as fire  
26 protection personnel.

27 (d) Criminal history record information received by the

1 commission is privileged and confidential and for commission use  
2 only.

3 SECTION 22. Sections 419.034(a), (b), and (c), Government  
4 Code, are amended to read as follows:

5 (a) A fire department or other employing entity may renew an  
6 unexpired certification by, ~~[paying to the commission]~~ before the  
7 expiration date of the certificate:

8 (1) submitting evidence satisfactory to the  
9 commission of completion of any required professional education;  
10 and

11 (2) paying to the commission the required renewal fee.

12 (b) If a person's certificate has been expired for 30 days  
13 or less, the fire department or other employing entity may renew the  
14 certificate by:

15 (1) submitting evidence satisfactory to the  
16 commission of completion of any required professional education;  
17 and

18 (2) paying to the commission the required renewal fee  
19 and a fee that is one-half of the certification fee for the  
20 certificate.

21 (c) If a person's certificate has been expired for longer  
22 than 30 days but less than one year, the fire department or other  
23 employing entity may renew the certificate by:

24 (1) submitting evidence satisfactory to the  
25 commission of completion of any required professional education;  
26 and

27 (2) paying to the commission all unpaid renewal fees

1 and a fee that is equal to the certification fee.

2 SECTION 23. Section 419.036, Government Code, is amended by  
3 adding Subsections (c) and (d) to read as follows:

4 (c) A complaint case opened by the commission based on a  
5 violation found during an inspection conducted under Section  
6 419.027 must be opened not later than the 30th day after the date  
7 the commission provides notice of the violation to the applicable  
8 department, agency, institution, or facility.

9 (d) The commission by rule shall create a matrix for  
10 determining penalty amounts and disciplinary actions for fire  
11 departments, training providers, and certified personnel who  
12 commit violations of this chapter or a rule adopted under this  
13 chapter. In developing the matrix, the commission shall consider  
14 the following factors:

15 (1) compliance history;  
16 (2) seriousness of the violation;  
17 (3) the safety threat to the public or fire personnel;  
18 (4) any mitigating factors; and  
19 (5) any other factors the commission considers  
20 appropriate.

21 SECTION 24. Subchapter B, Chapter 419, Government Code, is  
22 amended by adding Section 419.0366 to read as follows:

23 Sec. 419.0366. TRACKING AND ANALYSIS OF COMPLAINT AND  
24 VIOLATION DATA. (a) The commission shall develop and implement a  
25 method for tracking and categorizing the sources and types of  
26 complaints filed with the commission and of violations of this  
27 chapter or a rule adopted under this chapter.



1       (b) The commission shall analyze the complaint and  
2 violation data maintained under Subsection (a) to identify trends  
3 and areas that may require additional regulation or enforcement.

4       SECTION 25. Subchapter B, Chapter 419, Government Code, is  
5 amended by adding Section 419.048 to read as follows:

6       Sec. 419.048. FIRE PROTECTION PERSONNEL INJURY DATA;  
7 RECOMMENDATIONS TO REDUCE INJURIES. (a) Pursuant to Section  
8 417.004, the commission and the commissioner of insurance, as  
9 necessary to allow the agencies to perform their statutory duties,  
10 shall transfer information between the two agencies, including  
11 injury information from the Texas Fire Incident Reporting System  
12 and workers' compensation data showing claims filed by fire  
13 protection personnel.

14       (b) Personally identifiable information received by the  
15 commission under this section relating to injured fire protection  
16 personnel is confidential. The commission may not release, and a  
17 person may not gain access to, any information that could  
18 reasonably be expected to reveal the identity of injured fire  
19 protection personnel.

20       (c) The commission shall evaluate information and data on  
21 fire protection personnel injuries and develop recommendations for  
22 reducing fire protection personnel injuries. The commission shall  
23 forward the recommendations to the state fire marshal not later  
24 than September 1 of each year for inclusion in the annual report  
25 required by Section 417.0075.

26       (d) The commission shall establish criteria for evaluating  
27 fire protection personnel injury information to determine the

1 nature of injuries that the commission should investigate. Based  
2 on these investigations, the commission shall identify fire  
3 departments in need of assistance in reducing injuries and may  
4 provide assistance to those fire departments.

5 SECTION 26. Section 419.054, Government Code, is amended by  
6 adding Subsection (e) to read as follows:

7 (e) Appointments to the committee shall be made without  
8 regard to the race, color, disability, sex, religion, age, or  
9 national origin of the appointees.

10 SECTION 27. Subchapter D, Chapter 419, Government Code, is  
11 amended by adding Sections 419.074 and 419.075 to read as follows:

12 Sec. 419.074. RULES RELATING TO VOLUNTEER FIREFIGHTERS.  
13 Notwithstanding that participation in any component of a program  
14 established under this chapter remains voluntary for a volunteer  
15 firefighter, the commission may prohibit a person from serving as a  
16 volunteer firefighter unless the person meets certain requirements  
17 determined by commission rule, including initial minimum education  
18 and training requirements and continuing education requirements  
19 that the commission may establish by rule for purposes of this  
20 section.

21 Sec. 419.075. TRAINING ASSISTANCE. The commission shall  
22 adopt rules and procedures for the administration of a training  
23 assistance program for volunteer fire departments and volunteer  
24 firefighters. The training assistance provided under this  
25 subchapter may be provided by any of the methods listed in Section  
26 419.031.

27 SECTION 28. Section 419.906, Government Code, is amended by

1 adding Subsections (d) and (e) to read as follows:

2 (d) The commission may enter a default order if a fire  
3 department or training provider fails to take action to correct a  
4 violation found during an inspection conducted under this chapter  
5 or to request an informal settlement conference before the 61st day  
6 after the date the commission provides to the department or  
7 provider notice requiring the department or provider to correct the  
8 violation.

9 (e) Notwithstanding Section 419.0365, the commission may  
10 temporarily suspend a person's or regulated entity's certificate on  
11 a determination by a panel of the commission that continued  
12 activity by the person or entity would present an immediate threat  
13 to the public or to fire service trainees. The panel may hold a  
14 meeting for purposes of this subsection by teleconference call  
15 pursuant to Section 551.125. A person or regulated entity whose  
16 certificate is temporarily suspended under this subsection is  
17 entitled to a hearing before the commission not later than the 14th  
18 day after the date of the temporary suspension.

19 SECTION 29. Subchapter Z, Chapter 419, Government Code, is  
20 amended by adding Section 419.908 to read as follows:

21 Sec. 419.908. COOPERATION WITH FEDERAL AND STATE ENTITIES  
22 IN A DISASTER. In a declared state of disaster under Section  
23 418.014, the commission shall coordinate with appropriate state and  
24 federal agencies, including the governor's office of homeland  
25 security and the Federal Emergency Management Agency.

26 SECTION 30. (a) As soon as practicable after the effective  
27 date of this Act, the governor shall designate a member of the

1 governing body of the Texas Fire Protection Agency as the presiding  
2 officer of the governing body pursuant to Section 419.007,  
3 Government Code, as amended by this Act.

4 (b) As soon as practicable after the effective date of this  
5 Act, the Texas Fire Protection Agency shall adopt the rules  
6 required by Section 419.0325, Government Code, as added by this  
7 Act, and Sections 419.026 and 419.036, Government Code, as amended  
8 by this Act.

9 (c) Notwithstanding Section 419.048, Government Code, as  
10 added by this Act, the Texas Fire Protection Agency is not required  
11 to submit its annual recommendations to the state fire marshal for  
12 inclusion in the report required by Section 417.0075, Government  
13 Code, before September 1, 2010.

14 SECTION 31. (a) Sections 419.004, 419.006, and 419.0071(a),  
15 Government Code, as amended by this Act, apply only to a person who  
16 is appointed or reappointed as a member of the governing body of the  
17 Texas Fire Protection Agency on or after the effective date of this  
18 Act. A person appointed or reappointed as a member of the governing  
19 body before the effective date of this Act is governed by the law in  
20 effect immediately before that date, and the former law is  
21 continued in effect for that purpose.

22 (b) Section 419.005, Government Code, as amended by this  
23 Act, applies only to a ground for removal that occurs on or after  
24 the effective date of this Act. A ground for removal that occurs  
25 before the effective date of this Act is governed by the law in  
26 effect immediately before that date, and the former law is  
27 continued in effect for that purpose.

1           (c) Section 419.0071(b), Government Code, as amended by  
2 this Act, applies only to a training program attended on or after  
3 the effective date of this Act. A training program attended before  
4 the effective date of this Act is governed by the law in effect  
5 immediately before that date, and the former law is continued in  
6 effect for that purpose.

7           (d) Section 419.0071(c), Government Code, as amended by  
8 this Act, applies only to expenses incurred on or after the  
9 effective date of this Act. Expenses incurred before the effective  
10 date of this Act are governed by the law in effect immediately  
11 before that date, and the former law is continued in effect for that  
12 purpose.

13           (e) Section 419.026, Government Code, as amended by this  
14 Act, applies only to a certificate issued or renewed on or after  
15 January 1, 2010. A certificate issued or renewed before January 1,  
16 2010, is governed by the law in effect on the date the certificate  
17 was issued or renewed, and the former law is continued in effect for  
18 that purpose.

19           (f) Section 419.032, Government Code, as amended by this  
20 Act, and Section 419.0325, Government Code, as added by this Act,  
21 apply only to a person who applies for an initial certificate on or  
22 after January 1, 2010. A person who applies for an initial  
23 certificate before January 1, 2010, is governed, even in relation  
24 to the person's renewal of the certificate on or after that date, by  
25 the law in effect immediately before that date, and the former law  
26 is continued in effect for that purpose.

27           (g) Section 419.034, Government Code, as amended by this

1 Act, applies only to a certificate renewed on or after the effective  
2 date of this Act. A certificate renewed before the effective date  
3 of this Act is governed by the law in effect immediately before that  
4 date, and the former law is continued in effect for that purpose.

5 (h) Section 419.906(d), Government Code, as added by this  
6 Act, applies only to an order pursuant to a violation that occurs on  
7 or after the effective date of this Act. An order pursuant to a  
8 violation that occurs before the effective date of this Act is  
9 governed by the law in effect immediately before that date, and the  
10 former law is continued in effect for that purpose.

11 SECTION 32. (a) On September 1, 2009, the Texas Commission  
12 on Fire Protection is renamed the Texas Fire Protection Agency.

13 (b) A reference in any statute or administrative rule to the  
14 Texas Commission on Fire Protection means the Texas Fire Protection  
15 Agency.

16 SECTION 33. (a) Except as provided by Subsections (b) and  
17 (c) of this section, this Act takes effect September 1, 2009.

18 (b) The amendment to Section 419.026, Government Code,  
19 takes effect January 1, 2010.

20 (c) The addition of Section 419.074, Government Code, takes  
21 effect September 1, 2010.