

BILL ANALYSIS

C.S.H.B. 2971
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Commission on Fire Protection regulates certain fire departments and firefighters. Interested parties note that clarification is needed as to the types of fire safety inspections that are required to be conducted by a certified fire inspector in light of other duties performed by firefighters who visit commercial structures with the purpose of providing pre-fire planning for responding in the event of a fire within that particular location. In addition, interested parties note the need to provide the proper use of fire protection personnel in fighting wildfires. C.S.H.B. 2971 seeks to address these concerns.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Fire Protection in SECTIONS 2 and 3 of this bill.

ANALYSIS

C.S.H.B. 2971 amends the Government Code to prohibit a person who is a municipal employee from performing a duty that is classified as a wildland fire-fighting duty, including conducting a prescribed burn, unless the person is a permanent, full-time fire department employee regularly assigned to perform one or more specified duties that typically are assigned to fire protection personnel and distinguish such personnel from other fire department employees, regardless of whether the person holds a certificate issued by the Texas Commission on Fire Protection. The bill requires the commission, not later than January 1, 2014, to adopt and implement rules regarding the application of statutory provisions relating to fire safety inspections to a fire department.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2971 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 419.021(3), Government Code, is amended to read as follows: (3) "Fire protection personnel" means: (A) permanent, full-time law enforcement	No equivalent provision.

officers designated as fire and arson investigators by an appropriate local authority;

(B) aircraft rescue and fire protection personnel; [ø£]

(C) permanent, full-time fire department employees who are not secretaries, stenographers, clerks, budget analysts, or similar support staff persons or other administrative employees and who are assigned duties in one or more of the following categories:

(i) fire suppression;

(ii) fire inspection;

(iii) fire and arson investigation;

(iv) marine fire fighting;

(v) aircraft rescue and fire fighting;

(vi) fire training;

(vii) fire education;

(viii) fire administration; and

(ix) any other position necessarily or customarily related to fire prevention or suppression; or

(D) permanent, full-time fire department or local government employees who are not secretaries, stenographers, clerks, budget analysts, or similar support staff persons or other administrative employees and who are designated as wildland fire fighters.

No equivalent provision.

SECTION 2. Section 419.909, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The commission shall adopt and implement rules relating to the application of this section to a fire department.

SECTION 1. Subchapter B, Chapter 419, Government Code, is amended by adding Section 419.0323 to read as follows:

Sec. 419.0323. RESTRICTIONS ON CERTAIN CERTIFICATE HOLDERS. A person who is a municipal employee may not perform a duty that is classified as a wildland fire-fighting duty, including conducting a prescribed burn, unless the person is a permanent, full-time fire department employee regularly assigned to perform one or more duties listed under Section 419.021(3)(C), regardless of whether the person holds a certificate issued by the commission under this chapter.

SECTION 2. Same as introduced version.

SECTION 3. The Texas Commission on Fire Protection shall adopt the rules required under Section 419.909, Government Code, as amended by this Act, not later than January 1, 2014.

SECTION 3. Same as introduced version.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 4. Same as introduced version.