

## **BILL ANALYSIS**

C.S.S.B. 766  
By: Hegar  
Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that there is no greater, longer-running expression of volunteerism in United States history than that of the volunteer fire service, which still saves taxpayers billions of dollars in avoided losses each year. Recent reports indicate that almost three-fourths of the nation's firefighters are volunteers and that two-thirds of all fire departments are volunteer. In Texas, there are over 800 volunteer fire departments and nearly 200 departments that combine volunteer and professional firefighters. Moreover, volunteers comprise approximately 75 percent of the state's overall fire service.

The parties contend that, as the population of the state continues to grow, along with the threat of wildfires, the need for volunteer firefighters also grows. However, there are concerns that, despite this increasing demand, funding for emergency services continues to decline while the threat of increased governmental regulation continues to rise and that this trend is particularly burdensome for volunteers. C.S.S.B. 766 seeks to slow the decline in the number of volunteer firefighters willing to serve Texas by prohibiting certain governmental regulation of volunteer firefighters and members of industrial emergency response teams.

### **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.S.B. 766 amends the Government Code to prohibit a state agency from requiring a volunteer firefighter to obtain a license or certification in order to be a volunteer firefighter or requiring a member of an industrial emergency response team to obtain a license or certification in order to be a member of an industrial emergency response team.

### **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.S.B. 766 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

#### **SENATE ENGROSSED**

SECTION 1. Subchapter Z, Chapter 419, Government Code, is amended by adding

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Subchapter Z, Chapter 419, Government Code, is amended by adding

Section 419.910 to read as follows:  
Sec. 419.910. STATE REGULATION PROHIBITED. (a) In this section:  
(1) "State agency" has the meaning assigned by Section 2103.001.  
(2) "Volunteer firefighter" means a member of a volunteer fire department who is not a full-time paid employee.  
(b) A state agency may not:  
(1) regulate a volunteer fire department;  
(2) require a volunteer firefighter to obtain a license or certification in order to be a volunteer firefighter; or  
(3) require a member of an industrial emergency response team to obtain a license or certification in order to be a member of an industrial emergency response team.

SECTION 2. 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 419.910 to read as follows:  
Sec. 419.910. CERTAIN REGULATION PROHIBITED. (a) In this section:  
(1) "State agency" has the meaning assigned by Section 2103.001.  
(2) "Volunteer firefighter" means a member of a volunteer fire department who is not a full-time paid employee.  
(b) A state agency may not:  
(1) require a volunteer firefighter to obtain a license or certification in order to be a volunteer firefighter; or  
(2) require a member of an industrial emergency response team to obtain a license or certification in order to be a member of an industrial emergency response team.

SECTION 2. Same as engrossed version.