

Amend HB 1009 (house committee report) as follows:

(1) On page 1, strike lines 10 through 15 and substitute the following:

classified as a wildland firefighting duty, including fighting a wildfire event that began as a prescribed burn, unless that person is:

(1) a permanent, full-time fire department civil service employee regularly assigned to perform one or more duties listed under Section 419.021(3)(C); or

(2) certified by the commission to conduct fire suppression in a wildland or wildland-urban interface setting and is performing the wildland firefighting duty under the supervision of a fire department that is authorized to act in the area in which the wildland firefighting duty is being performed.

(2) Strike page 1, line 23 through page 2, line 3 and substitute the following appropriately lettered subsection and reletter subsequent subsections of the section appropriately:

(_____) This section may not be construed to prohibit a municipal employee from performing a prescribed burn in accordance with Chapter 153, Natural Resources Code, if:

(1) the prescribed burn is monitored by one or more permanent, full-time fire department civil service employees regularly assigned to perform one or more duties listed under Section 419.021(3)(C); and

(2) a fire department employee described by Subdivision (1):

(A) reviews the burn plan for the prescribed burn and collaborates with the prescribed burn manager to ensure the prescribed burn is conducted safely and within the burn plan limits; and

(B) has the authority to stop any action relating to the prescribed burn determined by the fire department employee to be unsafe and to take corrective action, including by:

(i) stopping an unsafe firefighting practice;

(ii) terminating the prescribed burn to avoid extreme fire behavior; and

(iii) assuming incident command and
converting to emergency firefighting operations if such action is
determined necessary by the fire department employee.