

BILL ANALYSIS

Senate Research Center

H.B. 1009
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1009 amends the Government Code to prohibit an employee of a municipality that has adopted the firefighters' and police officers' civil service law from performing a duty that is classified as a wildland firefighting duty, including conducting a prescribed burn, unless that person is a permanent, full-time fire department civil service employee regularly assigned firefighting duties, regardless of whether the person holds a certificate issued by the Texas Commission on Fire Protection (TCFP). H.B. 1009 expressly does not prohibit a municipal employee from performing a duty that may be classified as a wildland firefighting duty if the municipal employee when performing the duty is not acting as an employee of a municipality, but is acting as a member of a volunteer fire department. H.B. 1009 expressly may not be construed as prohibiting TCFP-certified fire protection personnel from performing a wildland firefighting duty, including conducting a prescribed burn, under the supervision of a fire department in the area in which the fire department is authorized to act. H.B. 1009 requires TCFP, not later than January 1, 2018, to adopt and implement rules relating to the bill's application to a fire department.

H.B. 1009 amends current law relating to the regulation of firefighters and fire departments by the Texas Commission on Fire Protection.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Fire Protection in SECTION 1 (Section 419.0323, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 419, Government Code, by adding Section 419.0323, as follows:

Sec. 419.0323. RESTRICTIONS ON CERTAIN CERTIFICATE HOLDERS. (a) Prohibits an employee of a municipality that has adopted Chapter 143 (Municipal Civil Service for Firefighters and Police Officers), Local Government Code, from performing a duty that is classified as a wildland firefighting duty, including fighting a wildfire event that began as a prescribed burn, unless that person is a permanent, full-time fire department civil service employee regularly assigned to perform one or more duties listed under Section 419.021(3)(C) (relating to the definition of "fire protection personnel" meaning certain permanent, full-time fire department employees who are neither support nor administrative staff) or certified by the Texas Commission on Fire Protection (TCFP) 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.

(b) Provides that this section does not prohibit a municipal employee from performing a duty that may be classified as a wildland firefighting duty if the municipal employee is not acting as an employee of a municipality when performing the duty and is acting as a member of a volunteer fire department when performing the duty.

(c) Prohibits this section from being construed to prohibit a municipal employee from performing a prescribed burn in accordance with Chapter 153 (Prescribed Burning), Natural Resources Code, if certain conditions are met.

(d) Requires TCFP to adopt and implement rules relating to the application of this section to a fire department.

SECTION 2. Requires TCFP to adopt the rules required under Section 419.0323, Government Code, as added by this Act, not later than January 1, 2018.

SECTION 3. Effective date: upon passage or September 1, 2017.