

By: Alonzo, Workman

H.B. No. 1009

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of firefighters and fire departments by the Texas Commission on Fire Protection.

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

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) An employee of a municipality that has adopted Chapter 143, Local Government Code, may not perform 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:

(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.

(b) 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:

(1) is not acting as an employee of a municipality when

1 performing the duty; and

2 (2) is acting as a member of a volunteer fire
3 department when performing the duty.

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

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

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

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

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

20 (i) stopping an unsafe firefighting
21 practice;

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

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

27 (d) The commission shall adopt and implement rules relating

1 to the application of this section to a fire department.

2 SECTION 2. The Texas Commission on Fire Protection shall
3 adopt the rules required under Section 419.0323, Government Code,
4 as added by this Act, not later than January 1, 2018.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2017.