By: Alonzo 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 conducting 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), regardless of whether the person holds a certificate issued by the commission under this chapter.

(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 performing the duty; and

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

(c) This section may not be construed to prohibit a person certified as fire protection personnel by the commission 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.

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

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

SECTION 3. 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, 2017.