

By: Hall, et al.

S.B. No. 709

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Commission on Fire Protection.

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

SECTION 1. Section 419.003, Government Code, is amended to read as follows:

Sec. 419.003. SUNSET PROVISION. The Texas Commission on Fire Protection is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished [~~and this chapter expires~~] September 1, 2033 [~~2021~~].

SECTION 2. Section 419.004(d), Government Code, is amended to read as follows:

(d) Appointments to the commission shall be made without regard to the race, color, disability [~~handicap~~], sex, religion, age, or national origin of the appointees.

SECTION 3. Section 419.0071, Government Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing [~~legislation that created the~~] commission operations;

(2) the programs, functions, rules, and budget of the

1 commission;

2 (3) the scope of and limitations on the rulemaking
3 authority of the commission;

4 (4) the results of the most recent formal audit of the
5 commission;

6 (5) [~~(4)~~] the requirements of:

7 (A) laws relating to open meetings, public
8 information, administrative procedure, and disclosing conflicts of
9 interest; and

10 (B) other laws applicable to members of a state
11 policy-making body in performing their duties; and

12 (6) [~~(5)~~] any applicable ethics policies adopted by
13 the commission or the Texas Ethics Commission.

14 (d) The executive director of the commission shall create a
15 training manual that includes the information required by
16 Subsection (b). The executive director shall distribute a copy of
17 the training manual annually to each member of the commission. Each
18 member of the commission shall sign and submit to the executive
19 director a statement acknowledging that the member received and has
20 reviewed the training manual.

21 SECTION 4. Section 419.008(f), Government Code, is amended
22 to read as follows:

23 (f) The commission may appoint advisory committees to
24 assist it in the performance of its duties. A member of an advisory
25 committee appointed by the commission or otherwise appointed under
26 this chapter may not receive compensation for service on the
27 advisory committee. A member appointed under this chapter is

1 entitled to receive reimbursement, subject to any applicable
2 limitation on reimbursement provided by the General Appropriations
3 Act, for actual and necessary expenses incurred in performing
4 services as a member of the advisory committee. Members appointed
5 under this chapter shall serve six-year staggered terms but may not
6 be appointed to consecutive terms.

7 SECTION 5. Section 419.011(c), Government Code, is amended
8 to read as follows:

9 (c) The commission shall periodically notify the complaint
10 parties of the status of the complaint until final disposition
11 unless the notice would jeopardize an investigation.

12 SECTION 6. Section 419.026(a), Government Code, is amended
13 to read as follows:

14 (a) The commission shall set and collect a fee for each
15 certificate that the commission issues or renews under this
16 subchapter, except that if a person holds more than one certificate
17 the commission may collect only one fee [~~each year~~] for the renewal
18 of those certificates. The commission by rule shall set the amount
19 of the fee under this subsection in an amount designed to recover
20 the commission's costs in connection with issuing certificates
21 under this subchapter, including the cost to the commission of
22 obtaining fingerprint-based criminal history record information
23 under Section 419.0325. The employing agency or entity shall pay
24 the fee in the manner prescribed by commission rule. A certificate
25 issued under this subchapter is valid for one or two years as
26 determined by commission rule [~~The certificate must be renewed~~
27 ~~annually~~].

1 SECTION 7. Subchapter B, Chapter 419, Government Code, is
2 amended by adding Section 419.0265 to read as follows:

3 Sec. 419.0265. RECIPROCITY. (a) The commission may waive
4 any prerequisite to obtaining a certificate under this subchapter
5 for an applicant who holds a license or certificate issued by
6 another jurisdiction:

7 (1) that has licensing or certification requirements
8 substantially equivalent to those of this state; or

9 (2) with which this state has a reciprocity agreement.

10 (b) The commission may make an agreement with another state
11 to allow for certification by reciprocity.

12 SECTION 8. Section 419.032(c), Government Code, is amended
13 to read as follows:

14 (c) Fire protection personnel who receive temporary or
15 probationary appointment and who fail to satisfactorily complete a
16 basic course in fire protection, as prescribed by the commission,
17 before one year after the date of the original appointment forfeit,
18 and shall be removed from, the position. A temporary or
19 probationary appointment may not be extended beyond one year by
20 renewal of appointment or otherwise, except that on petition of a
21 fire department one year or more after the date of the forfeiture
22 and removal, the commission may reinstate the person's temporary or
23 probationary employment. Fire protection personnel must complete a
24 commission-approved training course in fire suppression before
25 being assigned full-time to fire suppression duties. The
26 commission may, on application by a fire department [~~and after~~
27 ~~receiving the comments and advice of the fire fighter advisory~~

1 ~~committee~~], extend from one year to a period not to exceed two years
2 the time allowed for fire protection personnel receiving a
3 temporary or probationary appointment to successfully complete a
4 basic course in fire protection.

5 SECTION 9. Sections 419.008(e), 419.0082, and 419.023,
6 Government Code, are repealed.

7 SECTION 10. (a) Except as provided by Subsection (b) of
8 this section, Section 419.0071, Government Code, as amended by this
9 Act, applies to a member of the Texas Commission on Fire Protection
10 appointed before, on, or after the effective date of this Act.

11 (b) A member of the Texas Commission on Fire Protection who,
12 before the effective date of this Act, completed the training
13 program required by Section 419.0071, Government Code, as the
14 applicable law existed before the effective date of this Act, is
15 required to complete additional training only on the subjects added
16 by this Act to the training program required by Section 419.0071,
17 Government Code. A member described by this subsection may not
18 vote, deliberate, or be counted as a member in attendance at a
19 meeting of the commission held on or after December 1, 2021, until
20 the member completes the additional training.

21 SECTION 11. This Act takes effect September 1, 2021.