

By: Hall, et al.  
(Canales, Cortez)

S.B. No. 709

Substitute the following for S.B. No. 709:

By: Cortez

C.S.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 more than two 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. Sections 419.026(a) and (d), Government Code,  
13 are amended 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 (d) The commission shall send the fees authorized by  
2 Subsection (a) and Section 419.033(b) to the comptroller. The  
3 comptroller shall deposit [~~a portion of the fees collected into a~~  
4 ~~special account in the general revenue fund dedicated for use by the~~  
5 ~~commission. In any state fiscal biennium, the comptroller may not~~  
6 ~~deposit into the account fees in an amount that exceeds the amount~~  
7 ~~appropriated to the commission for that biennium, less any other~~  
8 ~~amount appropriated to the commission from a source other than the~~  
9 ~~fees. The account is exempt from the application of Section~~  
10 ~~403.095. The comptroller shall deposit the remainder of]~~ the fees  
11 in the general revenue fund.

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

14 Sec. 419.0265. RECIPROCITY. (a) The commission may waive  
15 any prerequisite to obtaining a certificate under this subchapter  
16 for an applicant who holds a license or certificate issued by  
17 another jurisdiction:

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

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

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

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

25 (c) Fire protection personnel who receive temporary or  
26 probationary appointment and who fail to satisfactorily complete a  
27 basic course in fire protection, as prescribed by the commission,

1 before one year after the date of the original appointment forfeit,  
2 and shall be removed from, the position. A temporary or  
3 probationary appointment may not be extended beyond one year by  
4 renewal of appointment or otherwise, except that on petition of a  
5 fire department one year or more after the date of the forfeiture  
6 and removal, the commission may reinstate the person's temporary or  
7 probationary employment. Fire protection personnel must complete a  
8 commission-approved training course in fire suppression before  
9 being assigned full-time to fire suppression duties. The  
10 commission may, on application by a fire department [~~and after~~  
11 ~~receiving the comments and advice of the fire fighter advisory~~  
12 ~~committee~~], extend from one year to a period not to exceed two years  
13 the time allowed for fire protection personnel receiving a  
14 temporary or probationary appointment to successfully complete a  
15 basic course in fire protection.

16 SECTION 9. Sections [419.008\(e\)](#), [419.0082](#), and [419.023](#),  
17 Government Code, are repealed.

18 SECTION 10. (a) Except as provided by Subsection (b) of  
19 this section, Section [419.0071](#), Government Code, as amended by this  
20 Act, applies to a member of the Texas Commission on Fire Protection  
21 appointed before, on, or after the effective date of this Act.

22 (b) A member of the Texas Commission on Fire Protection who,  
23 before the effective date of this Act, completed the training  
24 program required by Section [419.0071](#), Government Code, as the  
25 applicable law existed before the effective date of this Act, is  
26 required to complete additional training only on the subjects added  
27 by this Act to the training program required by Section [419.0071](#),

1 Government Code. A member described by this subsection may not  
2 vote, deliberate, or be counted as a member in attendance at a  
3 meeting of the commission held on or after December 1, 2021, until  
4 the member completes the additional training.

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