

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 419.0082, Government Code, is amended to
8 read as follows:

9 Sec. 419.0082. TIMING OF RULE AMENDMENT OR ADOPTION
10 [RULEMAKING]. (a) [~~In adopting or amending a rule under Section~~
11 ~~419.008(a) or any other law, the commission shall seek the input of~~
12 ~~the fire fighter advisory committee. The commission shall permit~~
13 ~~the advisory committee to review and comment on any proposed rule,~~
14 ~~including a proposed amendment to a rule, before the rule is~~
15 ~~adopted. The recommendations of the advisory committee are subject~~
16 ~~to modification or rejection by the commission, in the commission's~~
17 ~~sole discretion, without the resubmission of the matter to the~~
18 ~~advisory committee.~~

19 [(b)] The commission may not adopt or amend a rule under
20 Section 419.008(a) or any other law[~~, including an amendment to a~~
21 ~~rule,~~] before the commission meeting held after the commission
22 meeting at which the rule is first proposed.

23 (b) [(c)] This section does not apply to an emergency rule
24 adopted under Section 2001.034.

25 [(d) ~~Notwithstanding other provisions of this section, the~~
26 ~~commission may, without review by an advisory committee, make~~
27 ~~nonsubstantive clerical changes to a rule.~~]

1 SECTION 6. Section 419.011(c), Government Code, is amended
2 to read as follows:

3 (c) The commission shall periodically notify the complaint
4 parties of the status of the complaint until final disposition
5 unless the notice would jeopardize an investigation.

6 SECTION 7. Section 419.026(a), Government Code, is amended
7 to read as follows:

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

22 SECTION 8. Subchapter B, Chapter 419, Government Code, is
23 amended by adding Section 419.0265 to read as follows:

24 Sec. 419.0265. RECIPROCITY. (a) The commission may waive
25 any prerequisite to obtaining a certificate under this subchapter
26 for an applicant who holds a license or certificate issued by
27 another jurisdiction:

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

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

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

6 SECTION 9. Section 419.032(c), Government Code, is amended
7 to read as follows:

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

26 SECTION 10. Sections 419.008(e) and 419.023, Government
27 Code, are repealed.

1 SECTION 11. (a) Except as provided by Subsection (b) of
2 this section, Section 419.0071, Government Code, as amended by this
3 Act, applies to a member of the Texas Commission on Fire Protection
4 appointed before, on, or after the effective date of this Act.

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

15 SECTION 12. This Act takes effect September 1, 2021.