

BILL ANALYSIS

Senate Research Center

C.S.S.B. 879
By: Gallegos
Intergovernmental Relations
3/24/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, any proposed changes to the internal rules of the Texas Commission on Fire Protection (commission) are required to be considered in an advisory committee meeting that is open to public testimony. This process can take close to a year before the changes can be made to internal rules. Furthermore, anyone can apply to create a volunteer fire department and receive commission funds even if they are not fighting fires.

C.S.S.B. 879 allows the commission to modify rules without going through the advisory meeting process to the extent that the rule modification meets certain criteria. The bill also strikes unnecessary statutory references to laws that have been repealed, and establishes new standards for the Texas Fire Incident Reporting System (TEX FIRS). It prohibits any applicant for commission funds from being approved unless the applicant routinely reports incidents to TEX FIRS.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 419.0082, Government Code, by adding Subsection (d), to authorize the Texas Commission on Fire Protection (commission), notwithstanding other provisions of this section, without review by an advisory committee, to make nonsubstantive clerical changes to a rule or adjust the amount of a fee prescribed by a rule.

SECTION 2. Amends Section 419.0322, Government Code, as follows:

Sec. 419.0322. CATEGORIES AND DESIGNATION OF PERSONS PERFORMING FIRE PROTECTION DUTIES. (a) Requires each person who is assigned by a fire department to perform one or more duties listed under Section 419.021(3)(c) (Definitions), rather than 419.021(a)(3)(B), to be certain fire personnel.

(b) Makes a conforming change.

(c) Prohibits a fire department from compensating, reimbursing, or providing benefits to a person the department has designated as a volunteer or other auxiliary fire fighter to the extent that the person would be considered full paid fire protection personnel, rather than under Section 419.021(b).

SECTION 3. Amends Section 419.063, Government Code, by adding Subsection (d), to prohibit the commission from approving an application if the applicant provides fire suppression services and the applicant does not routinely and consistently report incidents to the Texas Fire Incident Reporting System and participate in the National Incident Management System in accordance with the Federal Emergency Management Agency timeline. Requires the applicant to furnish sufficient proof of the required reporting to the commission at the time the application for certain financial assistance is submitted.

SECTION 4. Effective date: upon passage or the 91st day after adjournment.