

BILL ANALYSIS

Senate Research Center
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S.B. 709
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Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Commission on Fire Protection (TCFP) regulates training for paid fire fighters in Texas. The Sunset Advisory Commission found TCFP's current regulatory scope is appropriate and that the agency should be continued. The commission also found TCFP's certifications provide an important benefit to the state by ensuring paid fire fighters receive standardized training statewide to help prevent injury and death, and TCFP depends on the certification fees to finance its operations and to meet the requirement in the state budget to provide \$1.5 million to the General Revenue Fund.

The Sunset Advisory Commission's recommendations address several ongoing concerns with TCFP's Fire Fighter Advisory Committee, which has continued to operate even though it has been abolished by general law. The commission also recommends that advisory committee members serve six-year terms and may not be appointed to consecutive terms. Other recommendations align TCFP's licensing and rulemaking processes with regulatory best practices.

S.B. 709 continues TCFP for 12 years and conforms TCFP's regulatory processes with best practices. It authorizes TCFP to provide biennial renewal for certifications and to enter into reciprocity agreements with other state fire personnel certification agencies.

The bill improves the effectiveness and transparency of advisory committees by specifying members serve six-year staggered terms and may not be appointed to consecutive terms. The bill applies standard Sunset good government provisions on commission member training, complaints, and person-first respectful language.

It abolishes the unnecessary general reporting requirement on TCFP's activities.

As proposed, S.B. 709 amends current law relating to the continuation and functions of the Texas Commission on Fire Protection.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Fire Protection is modified in SECTION 7 (Section 419.026, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 419.003, Government Code, as follows:

Sec. 419.003. SUNSET PROVISION. Provides that, unless continued in existence as provided by Chapter 325 (Texas Sunset Act), the Texas Commission on Fire Protection (TCFP) is abolished and Chapter 419 (Texas Commission on Fire Protection) expires September 1, 2033, rather than September 1, 2021.

SECTION 2. Amends Section 419.004(d), Government Code, to make a nonsubstantive change.

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

(b) Requires that the training program for TCFP members provide the person with certain information, including information regarding the law governing TCFP operations, rather than the legislation that created TCFP; the scope of and limitations on the rulemaking authority of TCFP; and the requirements of laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest, and of other laws applicable to members of a state policy-making body in performing their duties. Makes nonsubstantive changes.

(d) Requires the executive director of TCFP (executive director) to create a training manual that includes the information required by Subsection (b). Requires the executive director to distribute a copy of the training manual annually to each member of TCFP. Requires each member of TCFP to sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 4. Amends Section 419.008(f), Government Code, to provide that advisory committee members appointed under Chapter 419 are required to serve six-year staggered terms but are prohibited from being appointed to consecutive terms.

SECTION 5. Amends Section 419.0082, Government Code, as follows:

Sec. 419.0082. New heading: TIMING OF RULE AMENDMENT OR ADOPTION. (a) Prohibits TCFP from adopting or amending a rule under Section 419.008(a) or any other law before the TCFP meeting held after the TCFP meeting at which the rule is first proposed.

(b) Creates this subsection from existing text and makes no further changes.

Deletes existing text requiring TCFP, in adopting or amending a rule under Section 419.008(a) or any other law, to seek the input of the fire fighter advisory committee. Deletes existing text requiring TCFP to permit the advisory committee to review and comment on any proposed rule, including a proposed amendment to a rule, before the rule is adopted. Deletes existing text providing that the recommendations of the advisory committee are subject to modification or rejection by the commission, in the commission's sole discretion, without the resubmission of the matter to the advisory committee. Deletes existing text authorizing TCFP, notwithstanding other provisions of this section, to, without review by an advisory committee, make nonsubstantive clerical changes to a rule.

SECTION 6. Amends Section 419.011(c), Government Code, to require TCFP to periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize an investigation.

SECTION 7. Amends Section 419.026(a), Government Code, as follows:

(a) Provides that a certificate issued under Subchapter B (Regulating and Assisting Fire Fighters and Fire Departments) is valid for one or two years as determined by TCFP rule. Deletes existing text requiring that the certificate be renewed annually.

SECTION 8. Amends Subchapter B, Chapter 419, Government Code, by adding Section 419.0265, as follows:

Sec. 419.0265. RECIPROCITY. (a) Authorizes TCFP to waive any prerequisite to obtaining a certificate under Subchapter B for an applicant who holds a license or certificate issued by another jurisdiction that has licensing or certification requirements substantially equivalent to those of this state or with which this state has a reciprocity agreement.

(b) Authorizes TCFP to make an agreement with another state to allow for certification by reciprocity.

SECTION 9. Amends Section 419.032(c), Government Code, to make a conforming change.

SECTION 10. Repealer: Section 419.008(e) (relating to reports made by TCFP), Government Code.

Repealer: Section 419.023 (Fire Fighter Advisory Committee), Government Code.

SECTION 11. (a) Provides that, except as provided by Subsection (b) of this section, Section 419.0071 (Commission Member Training), Government Code, as amended by this Act, applies to a member of TCFP appointed before, on, or after the effective date of this Act.

(b) Provides that a member of TCFP who, before the effective date of this Act, completed the training program required by Section 419.0071, Government Code, as the applicable law existed before the effective date of this Act, is required to complete additional training only on the subjects added by this Act to the training program required by Section 419.0071, Government Code. Prohibits a member described by this subsection from voting, deliberating, or being counted as a member in attendance at a meeting of TCFP held on or after December 1, 2021, until the member completes the additional training.

SECTION 12. Effective date: September 1, 2021.