

By: Harper-Brown

H.B. No. 3390

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

7 Sec. 419.003. SUNSET PROVISION. The Texas Commission on
8 Fire Protection is subject to Chapter 325 (Texas Sunset Act).
9 Unless continued in existence as provided by that chapter, the
10 commission is abolished and this chapter expires September 1, 2021
11 [2009].

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

14 (e) A person may not be [is not eligible for appointment as]
15 a public member of the commission if the person or the person's
16 spouse:

17 (1) is registered, certified, or licensed by a
18 regulatory agency in the field of fire protection [~~the commission~~];

19 (2) is employed by or participates in the management
20 of a business entity or other organization regulated by [the
21 ~~commission~~] or receiving money [funds] from the commission;

22 (3) owns or controls, directly or indirectly, more
23 than a 10 percent interest in a business entity or other
24 organization regulated by [the commission] or receiving money

1 [funds] from the commission;

2 (4) uses or receives a substantial amount of tangible
3 goods, services, or money [funds] from the commission, other than
4 compensation or reimbursement authorized by law for commission
5 membership, attendance, or expenses; or

6 (5) is employed in the field of [~~a member of a paid or~~
7 ~~volunteer~~] fire protection [~~department~~].

8 SECTION 3. Sections 419.005(a) and (c), Government Code,
9 are amended to read as follows:

10 (a) It is a ground for removal from the commission that [~~if~~]
11 a member:

12 (1) does not have at the time of taking office
13 [~~appointment~~] the qualifications required by Section 419.004;

14 (2) does not maintain during service on the commission
15 the qualifications required by Section 419.004;

16 (3) is ineligible for membership under [~~violates a~~
17 ~~prohibition established by~~] Section 419.006;

18 (4) cannot, because of illness or disability,
19 discharge the member's duties for a substantial part of the member's
20 term [~~for which the member is appointed because of illness or~~
21 ~~disability~~]; or

22 (5) is absent from more than half of the regularly
23 scheduled commission meetings that the member is eligible to attend
24 during a calendar year without an excuse approved [~~unless the~~
25 ~~absence is excused~~] by majority vote of the commission.

26 (c) If the executive director has knowledge that a potential
27 ground for removal exists, the executive director shall notify the

1 presiding officer of the commission of the potential ground. The
2 presiding officer shall then notify the governor and the attorney
3 general that a potential ground for removal exists. If the
4 potential ground for removal involves the presiding officer, the
5 executive director shall notify the next highest ranking officer of
6 the commission, who shall then notify the governor and the attorney
7 general that a potential ground for removal exists.

8 SECTION 4. Section 419.006, Government Code, is amended to
9 read as follows:

10 Sec. 419.006. CONFLICT OF INTEREST. (a) In [An officer,
11 employee, or paid consultant of a Texas trade association in the
12 field of fire protection may not be a member of the commission or an
13 employee of the commission who is exempt from the state's position
14 classification plan or is compensated at or above the amount
15 prescribed by the General Appropriations Act for step 1, salary
16 group 17, of the position classification salary schedule.

17 [(b) A person who is the spouse of an officer, manager, or
18 paid consultant of a Texas trade association in the field of fire
19 protection may not be a commission member and may not be a
20 commission employee who is exempt from the state's position
21 classification plan or is compensated at or above the amount
22 prescribed by the General Appropriations Act for step 1, salary
23 group 17, of the position classification salary schedule.]

24 [(c) For the purposes of] this section, "Texas trade
25 association" means [a Texas trade association is] a [nonprofit,
26 cooperative[7] and voluntarily joined statewide association of
27 business or professional competitors in this state designed to

1 assist its members and its industry or profession in dealing with
2 mutual business or professional problems and in promoting their
3 common interest.

4 **(b) A person may not be a member of the commission and may**
5 **not be a commission employee employed in a "bona fide executive,**
6 **administrative, or professional capacity," as that phrase is used**
7 **for purposes of establishing an exemption to the overtime**
8 **provisions of the federal Fair Labor Standards Act of 1938 (29**
9 **U.S.C. Section 201 et seq.), if:**

10 **(1) the person is an officer, employee, or paid**
11 **consultant of a Texas trade association in the field of fire**
12 **protection; or**

13 **(2) the person's spouse is an officer, manager, or paid**
14 **consultant of a Texas trade association in the field of fire**
15 **protection.**

16 **(c) [d] A person may not be [serve as] a member of the**
17 **commission or act as the general counsel to the commission or the**
18 **agency if the person is required to register as a lobbyist under**
19 **Chapter 305 because of the person's activities for compensation on**
20 **behalf of a profession related to the operation of the commission.**

21 SECTION 5. Section 419.007(a), Government Code, is amended
22 to read as follows:

23 **(a) The governor shall designate a member of the commission**
24 **[fire protection instructor appointed under Section 419.004(a)(6)**
25 **serves] as the presiding officer of the commission to serve in that**
26 **capacity at the pleasure of [unless] the governor [designates**
27 **another member as presiding officer]. The commission shall elect**

1 from among its members an assistant presiding officer and a
2 secretary.

3 SECTION 6. Section 419.0071, Government Code, is amended to
4 read as follows:

5 Sec. 419.0071. COMMISSION MEMBER TRAINING. (a) A ~~[To be]~~
6 ~~eligible to take office as a member of the commission, a]~~ person who
7 is appointed to and qualifies for office as a member of the
8 commission may not vote, deliberate, or be counted as a member in
9 attendance at a meeting of the commission until the person
10 completes ~~[must complete at least one course of]~~ a training program
11 that complies with this section.

12 (b) The training program must provide ~~[information to]~~ the
13 person with information regarding:

14 (1) the ~~[enabling]~~ legislation that created the
15 commission;

16 (2) the programs, ~~[operated by the commission,~~
17 ~~[+3) the role and]~~ functions, ~~[of the commission,~~
18 ~~[+4) the]~~ rules, and ~~[of the commission with an~~
19 ~~emphasis on the rules that relate to disciplinary and investigatory~~
20 ~~authority;~~

21 ~~[+5) the current]~~ budget of ~~[for]~~ the commission;

22 (3) ~~[+6]~~ the results of the most recent formal audit
23 of the commission;

24 (4) ~~[+7]~~ the requirements of laws relating to [the:
25 ~~[A)]~~ open meetings ~~[law],~~ public information
26 ~~[Chapter 551,~~

27 ~~[B) open records law, Chapter 552, and~~

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1 [(C) ~~administrative procedure law~~], and [Chapter
2 ~~2001~~]

3 [(8) the requirements of the conflict] conflicts of
4 interest [interests laws and other laws relating to public
5 officials]: and

14 SECTION 7. Section 419.008(c), Government Code, is amended
15 to read as follows:

16 (c) The commission shall perform duties assigned by law to
17 the Commission on Fire Protection Personnel Standards and Education
18 [or to the Fire Department Emergency Board].

19 SECTION 8. Section 419.0082(a), Government Code, is amended
20 to read as follows:

1 SECTION 9. Subchapter A, Chapter 419, Government Code, is
2 amended by adding Section 419.0083 to read as follows:

3 Sec. 419.0083. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
4 RESOLUTION. (a) The commission shall develop and implement a
5 policy to encourage the use of:

6 (1) negotiated rulemaking procedures under Chapter
7 2008 for the adoption of commission rules; and

8 (2) appropriate alternative dispute resolution
9 procedures under Chapter 2009 to assist in the resolution of
10 internal and external disputes under the commission's
11 jurisdiction.

12 (b) The commission's procedures relating to alternative
13 dispute resolution must conform, to the extent possible, to any
14 model guidelines issued by the State Office of Administrative
15 Hearings for the use of alternative dispute resolution by state
16 agencies.

17 (c) The commission shall designate a trained person to:

18 (1) coordinate the implementation of the policy
19 adopted under Subsection (a);

20 (2) serve as a resource for any training needed to
21 implement the procedures for negotiated rulemaking or alternative
22 dispute resolution; and

23 (3) collect data concerning the effectiveness of those
24 procedures, as implemented by the commission.

25 SECTION 10. Section 419.009(c), Government Code, is amended
26 to read as follows:

27 (c) The commission shall develop and implement policies

1 that clearly separate the policy-making [define the respective]
2 responsibilities of the commission and the management
3 responsibilities of the executive director and the staff of the
4 commission.

5 SECTION 11. Section 419.011, Government Code, is amended to
6 read as follows:

7 Sec. 419.011. [PUBLIC INTEREST INFORMATION AND]
8 COMPLAINTS. (a) The commission shall maintain a system to
9 promptly and efficiently act on complaints filed with the
10 commission. The commission shall maintain information about
11 parties to the complaint, the subject matter of the complaint, a
12 summary of the results of the review or investigation of the
13 complaint, and its disposition.

14 (b) The commission shall make [prepare] information
15 available [of public interest] describing its [the functions of the
16 commission and the commission's] procedures for complaint
17 investigation and resolution [by which complaints are filed with
18 and resolved by the commission. The commission shall make the
19 information available to the public and appropriate state agencies.

20 [(b) The commission shall keep a file about each written
21 complaint filed with the commission that the commission has
22 authority to resolve. The commission shall provide to the person
23 filing the complaint and the persons or entities complained about
24 the commission's policies and procedures pertaining to complaint
25 investigation and resolution].

26 (c) The commission[at least quarterly and until final
27 disposition of the complaint] shall periodically notify the

1 [person filing the] complaint parties [and the persons or entities
2 complained about] of the status of the complaint until final
3 disposition [unless the notice would jeopardize an undercover
4 investigation.]

5 [(c) The commission shall keep information about each
6 complaint filed with the commission. The information shall
7 include:

8 [(1) the date the complaint is received;
9 [(2) the name of the complainant;
10 [(3) the subject matter of the complaint;
11 [(4) a record of all persons contacted in relation to
12 the complaint;
13 [(5) a summary of the results of the review or
14 investigation of the complaint; and

15 [(6) for complaints for which the agency took no
16 action, an explanation of the reason the complaint was closed
17 without action.]

18 [(d) The commission shall comply with federal and state laws
19 related to program and facility accessibility. The executive
20 director shall also prepare and maintain a written plan that
21 describes how a person who does not speak English can be provided
22 reasonable access to the commission's programs].

23 SECTION 12. Subchapter A, Chapter 419, Government Code, is
24 amended by adding Section 419.012 to read as follows:

25 Sec. 419.012. TECHNOLOGICAL SOLUTIONS. The commission
26 shall implement a policy requiring the commission to use
27 appropriate technological solutions to improve the commission's

1 ability to perform its functions. The policy must ensure that the
2 public is able to interact with the commission on the Internet.

3 SECTION 13. Section 419.023(e), Government Code, is amended
4 to read as follows:

5 (e) On request by the commission, the [The] committee
6 ~~[periodically]~~ shall review commission rules relating to fire
7 protection personnel, fire departments, and other fire fighters and
8 fire fighting organizations that are subject to regulation under
9 this subchapter and recommend changes in the rules to the
10 commission.

11 SECTION 14. Section 419.026(a), Government Code, is amended
12 to read as follows:

13 (a) The commission shall set and collect a fee ~~[of not more~~
14 ~~than \$35]~~ for each certificate that the commission issues or renews
15 under this subchapter, except that if a person holds more than one
16 certificate the commission may collect only one fee each year for
17 the renewal of those certificates. The commission by rule shall set
18 the amount of the fee under this subsection in an amount designed to
19 recover the commission's costs in connection with issuing
20 certificates under this subchapter, including the cost to the
21 commission of obtaining fingerprint-based criminal history record
22 information under Section 419.0325. The employing agency or entity
23 shall pay the [this] fee in the manner prescribed ~~[as provided]~~ by
24 commission rule. The certificate must be renewed annually.

25 SECTION 15. Section 419.027, Government Code, is amended to
26 read as follows:

27 Sec. 419.027. BIENNIAL INSPECTIONS. (a) At least

1 biennially, the commission shall visit and inspect each institution
2 or facility conducting courses for training fire protection
3 personnel and recruits, each fire department, and each local
4 governmental agency providing fire protection to determine if the
5 department, agency, institution, or facility is complying with this
6 chapter and commission rules.

7 **(b) The commission may conduct risk-based inspections of**
8 **institutions and facilities in addition to the inspections under**
9 **Subsection (a). In determining whether to conduct an inspection of**
10 **an institution or facility under this subsection, the commission**
11 **shall consider:**

12 **(1) how recently the institution or facility has come**
13 **under regulation;**

14 **(2) the institution's or facility's history of**
15 **compliance with state law and commission rules;**

16 **(3) the number of complaints filed with the commission**
17 **regarding the institution or facility during the last year;**

18 **(4) the number of paid personnel in the institution or**
19 **facility;**

20 **(5) the frequency of fire responses;**

21 **(6) the institution's or facility's ability to inspect**
22 **and maintain equipment; and**

23 **(7) any other factor the commission considers**
24 **appropriate to assess an institution's or facility's safety risk.**

25 SECTION 16. Sections 419.032(a) and (d), Government Code,
26 are amended to read as follows:

27 (a) A fire department may not appoint a person to the fire

1 department, except on a temporary or probationary basis, unless:

2 (1) the person:

3 (A) ~~(1)~~ has satisfactorily completed a
4 preparatory program of training in fire protection at a school
5 approved by the commission; and

6 (B) ~~(2)~~ meets the qualifications established
7 by the commission under Subsection (b); and

8 (2) the commission has approved the person's
9 fingerprint-based criminal history record information under
10 Section 419.0325.

11 (d) The commission may certify persons who are qualified
12 under this subchapter to be fire protection personnel. The
13 commission shall adopt rules relating to presentation of evidence
14 of satisfactory completion of a program or course of instruction in
15 another jurisdiction equivalent in content and quality to that
16 required by the commission for approved fire protection education
17 and training programs in this state and shall issue to a person
18 meeting the rules and the requirements of Section 419.0325 a
19 certificate evidencing satisfaction of Subsections (a) and (b). The
20 commission may waive any certification requirement, except those
21 under Section 419.0325, for an applicant with a valid license from
22 another state having certification requirements substantially
23 equivalent to those of this state.

24 SECTION 17. Subchapter B, Chapter 419, Government Code, is
25 amended by adding Section 419.0325 to read as follows:

26 Sec. 419.0325. CRIMINAL HISTORY RECORD INFORMATION

27 APPROVAL REQUIRED FOR CERTIFICATION. (a) The commission may not

1 certify a person as fire protection personnel unless the
2 commission, after review, has approved fingerprint-based criminal
3 history record information about the person obtained from the
4 Department of Public Safety under Subchapter F, Chapter 411, and
5 from the Federal Bureau of Investigation under Section 411.087.

6 (b) The applicant for certification or the fire department
7 may submit the required fingerprint-based state and national
8 criminal history record information to the commission. If neither
9 the applicant nor the fire department submits the required criminal
10 history record information to the commission, the commission shall
11 obtain the required criminal history record information pursuant to
12 Sections 411.087 and 411.1236.

13 (c) The commission by rule shall establish criteria for
14 denying a person certification to be fire protection personnel
15 based on the person's criminal history record information. The
16 criteria must relate to a person's fitness to serve as fire
17 protection personnel.

18 (d) Criminal history record information received by the
19 commission is privileged and confidential and for commission use
20 only.

21 SECTION 18. Sections 419.034(a), (b), and (c), Government
22 Code, are amended to read as follows:

23 (a) A fire department or other employing entity may renew an
24 unexpired certification by, [paying to the commission] before the
25 expiration date of the certificate:

26 (1) submitting evidence satisfactory to the
27 commission of completion of any required professional education;

1 and

2 (2) paying to the commission the required renewal fee.

3 (b) If a person's certificate has been expired for 30 days
4 or less, the fire department or other employing entity may renew the
5 certificate by:

6 (1) submitting evidence satisfactory to the
7 commission of completion of any required professional education;

8 and

9 (2) paying to the commission the required renewal fee
10 and a fee that is one-half of the certification fee for the
11 certificate.

12 (c) If a person's certificate has been expired for longer
13 than 30 days but less than one year, the fire department or other
14 employing entity may renew the certificate by:

15 (1) submitting evidence satisfactory to the
16 commission of completion of any required professional education;

17 and

18 (2) paying to the commission all unpaid renewal fees
19 and a fee that is equal to the certification fee.

20 SECTION 19. Section 419.036, Government Code, is amended by
21 adding Subsections (c) and (d) to read as follows:

22 (c) A complaint case opened by the commission based on a
23 violation found during an inspection conducted under Section
24 419.027 must be opened not later than the 30th day after the date
25 the commission provides notice of the violation to the applicable
26 department, agency, institution, or facility.

27 (d) The commission by rule shall create a matrix for

1 determining penalty amounts and disciplinary actions for fire
2 departments, training providers, and certified personnel who
3 commit violations of this chapter or a rule adopted under this
4 chapter. In developing the matrix, the commission shall consider
5 the following factors:

6 (1) compliance history;
7 (2) seriousness of the violation;
8 (3) the safety threat to the public or fire personnel;
9 (4) any mitigating factors; and
10 (5) any other factors the commission considers
11 appropriate.

12 SECTION 20. Subchapter B, Chapter 419, Government Code, is
13 amended by adding Section 419.0366 to read as follows:

14 Sec. 419.0366. TRACKING AND ANALYSIS OF COMPLAINT AND
15 VIOLATION DATA. (a) The commission shall develop and implement a
16 method for tracking and categorizing the sources and types of
17 complaints filed with the commission and of violations of this
18 chapter or a rule adopted under this chapter.

19 (b) The commission shall analyze the complaint and
20 violation data maintained under Subsection (a) to identify trends
21 and areas that may require additional regulation or enforcement.

22 SECTION 21. Subchapter B, Chapter 419, Government Code, is
23 amended by adding Section 419.048 to read as follows:

24 Sec. 419.048. FIRE PROTECTION PERSONNEL INJURY DATA;
25 RECOMMENDATIONS TO REDUCE INJURIES. (a) Pursuant to Section
26 417.004, the commission and the commissioner of insurance, as
27 necessary to allow the agencies to perform their statutory duties,

1 shall transfer information between the two agencies, including
2 injury information from the Texas Fire Incident Reporting System
3 and workers' compensation data showing claims filed by fire
4 protection personnel.

5 (b) Personally identifiable information received by the
6 commission under this section relating to injured fire protection
7 personnel is confidential. The commission may not release, and a
8 person may not gain access to, any information that could
9 reasonably be expected to reveal the identity of injured fire
10 protection personnel.

11 (c) The commission shall evaluate information and data on
12 fire protection personnel injuries and develop recommendations for
13 reducing fire protection personnel injuries. The commission shall
14 forward the recommendations to the state fire marshal not later
15 than September 1 of each year for inclusion in the annual report
16 required by Section 417.0075.

17 (d) The commission shall establish criteria for evaluating
18 fire protection personnel injury information to determine the
19 nature of injuries that the commission should investigate. Based
20 on these investigations, the commission shall identify fire
21 departments in need of assistance in reducing injuries and may
22 provide assistance to those fire departments.

23 SECTION 22. Section 419.906, Government Code, is amended by
24 adding Subsections (d) and (e) to read as follows:

25 (d) The commission may enter a default order if a fire
26 department or training provider fails to take action to correct a
27 violation found during an inspection conducted under this chapter

1 or to request an informal settlement conference before the 61st day
2 after the date the commission provides to the department or
3 provider notice requiring the department or provider to correct the
4 violation.

5 (e) Notwithstanding Section 419.0365, the commission may
6 temporarily suspend a person's or regulated entity's certificate on
7 a determination by a panel of the commission that continued
8 activity by the person or entity would present an immediate threat
9 to the public or to fire service trainees. The panel may hold a
10 meeting for purposes of this subsection by teleconference call
11 pursuant to Section 551.125. A person or regulated entity whose
12 certificate is temporarily suspended under this subsection is
13 entitled to a hearing before the commission not later than the 14th
14 day after the date of the temporary suspension.

15 SECTION 23. Subchapter G, Chapter 614, Government Code, is
16 amended by adding Section 614.105 to read as follows:

17 Sec. 614.105. SEPARATE ACCOUNT FOR MONEY FROM TEXAS
18 COMMISSION ON FIRE PROTECTION. (a) The service shall maintain a
19 separate account within the volunteer fire department assistance
20 fund.

21 (b) The account shall contain money:

22 (1) previously appropriated to the Texas Commission on
23 Fire Protection for the administration of the fire department
24 emergency program and transferred to the service;

25 (2) received from the repayment of outstanding loans
26 transferred to the service from the Texas Commission on Fire
27 Protection fire department emergency program; and

1 (3) from any legislative appropriations for the
2 purposes of Subsection (c).

3 (c) The money in the account may be used only to award grants
4 for scholarships for the education and training of firefighters to
5 or for purchasing necessary fire-fighting equipment and facilities
6 for:

7 (1) a fire department operated by its members, some of
8 whom are volunteers and some of whom are paid; or
9 (2) a volunteer fire department.

10 (d) The service shall administer all outstanding loans
11 transferred from the Texas Commission on Fire Protection fire
12 department emergency program and deposit money obtained as
13 repayment of those loans to the credit of the account created under
14 this section.

15 SECTION 24. (a) Sections 419.0082(b), (c), and (d),
16 Government Code, are repealed.

17 (b) Subchapter C, Chapter 419, Government Code, is
18 repealed.

19 SECTION 25. (a) As soon as practicable after the effective
20 date of this Act, the governor shall designate a member of the Texas
21 Commission on Fire Protection as the presiding officer of the
22 commission pursuant to Section 419.007, Government Code, as amended
23 by this Act.

24 (b) As soon as practicable after the effective date of this
25 Act, the Texas Commission on Fire Protection shall adopt the rules
26 required by Section 419.0325, Government Code, as added by this
27 Act, and Sections 419.026 and 419.036, Government Code, as amended

1 by this Act.

2 (c) Notwithstanding Section 419.048, Government Code, as
3 added by this Act, the Texas Commission on Fire Protection is not
4 required to submit its annual recommendations to the state fire
5 marshal for inclusion in the report required by Section 417.0075,
6 Government Code, before September 1, 2010.

7 SECTION 26. (a) As soon as practicable after the effective
8 date of this Act, the Texas Commission on Fire Protection and the
9 Texas Forest Service shall develop and enter into a memorandum of
10 understanding regarding the transfer described in this section.

11 (b) In accordance with the transition plan developed by the
12 Texas Commission on Fire Protection and the Texas Forest Service
13 under Subsection (a) of this section, on January 1, 2010:

14 (1) the fire department emergency program under
15 Subchapter C, Chapter 419, Government Code, is abolished;

16 (2) all money, loans and other contracts, leases,
17 property, and obligations of the Texas Commission on Fire
18 Protection related to the fire department emergency program are
19 transferred to the Texas Forest Service; and

20 (3) the unexpended and unobligated balance of any
21 money appropriated by the legislature for the Texas Commission on
22 Fire Protection related to the fire department emergency program is
23 transferred to the Texas Forest Service.

24 (c) Before January 1, 2010, the Texas Commission on Fire
25 Protection may agree with the Texas Forest Service to transfer any
26 property of the fire department emergency program to implement the
27 transfer required by this Act.

1 SECTION 27. (a) Sections 419.004, 419.006, and 419.0071(a),
2 Government Code, as amended by this Act, apply only to a person who
3 is appointed or reappointed as a member of the Texas Commission on
4 Fire Protection on or after the effective date of this Act. A
5 person appointed or reappointed as a member of the commission
6 before the effective date of this Act is governed by the law in
7 effect immediately before that date, and the former law is
8 continued in effect for that purpose.

9 (b) Section 419.005, Government Code, as amended by this
10 Act, applies only to a ground for removal that occurs on or after
11 the effective date of this Act. A ground for removal that occurs
12 before the effective date of this Act is governed by the law in
13 effect immediately before that date, and the former law is
14 continued in effect for that purpose.

15 (c) Section 419.0071(b), Government Code, as amended by
16 this Act, applies only to a training program attended on or after
17 the effective date of this Act. A training program attended before
18 the effective date of this Act is governed by the law in effect
19 immediately before that date, and the former law is continued in
20 effect for that purpose.

21 (d) Section 419.0071(c), Government Code, as amended by
22 this Act, applies only to expenses incurred on or after the
23 effective date of this Act. Expenses incurred before the effective
24 date of this Act are governed by the law in effect immediately
25 before that date, and the former law is continued in effect for that
26 purpose.

27 (e) Section 419.0082, Government Code, as amended by this

1 Act, applies to a rule adopted on or after the effective date of
2 this Act. A rule adopted before the effective date of this Act is
3 governed by the law in effect immediately before that date, and the
4 former law is continued in effect for that purpose.

5 (f) Section 419.026, Government Code, as amended by this
6 Act, applies only to a certificate issued or renewed on or after
7 January 1, 2010. A certificate issued or renewed before January 1,
8 2010, is governed by the law in effect on the date the certificate
9 was issued or renewed, and the former law is continued in effect for
10 that purpose.

11 (g) Section 419.032, Government Code, as amended by this
12 Act, and Section 419.0325, Government Code, as added by this Act,
13 apply only to a person who applies for an initial certificate on or
14 after January 1, 2010. A person who applies for an initial
15 certificate before January 1, 2010, is governed, even in relation
16 to the person's renewal of the certificate on or after that date, by
17 the law in effect immediately before that date, and the former law
18 is continued in effect for that purpose.

19 (h) Section 419.034, Government Code, as amended by this
20 Act, applies to a certificate renewed on or after the effective date
21 of this Act. A certificate renewed before the effective date of
22 this Act is governed by the law in effect immediately before that
23 date, and the former law is continued in effect for that purpose.

24 (i) Section 419.906(d), Government Code, as added by this
25 Act, applies only to an order pursuant to a violation that occurs on
26 or after the effective date of this Act. An order pursuant to a
27 violation that occurs before the effective date of this Act is

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1 governed by the law in effect immediately before that date, and the
2 former law is continued in effect for that purpose.

3 SECTION 28. (a) Except as provided by Subsection (b) of
4 this section, this Act takes effect September 1, 2009.

5 (b) The following changes in law take effect January 1,
6 2010:

7 (1) the repeal of Subchapter C, Chapter 419,
8 Government Code;

9 (2) the amendment to Section 419.026, Government Code;
10 and

11 (3) the amendment to Subchapter G, Chapter 614,
12 Government Code.