

1-1 By: Alonzo, Workman H.B. No. 1009
1-2 (Senate Sponsor - Taylor of Collin)
1-3 (In the Senate - Received from the House May 12, 2017;
1-4 May 16, 2017, read first time and referred to Committee on
1-5 Intergovernmental Relations; May 18, 2017, reported favorably by
1-6 the following vote: Yeas 4, Nays 3; May 18, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13		X		
1-14	X			
1-15		X		

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the regulation of firefighters and fire departments by
1-19 the Texas Commission on Fire Protection.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subchapter B, Chapter 419, Government Code, is
1-22 amended by adding Section 419.0323 to read as follows:

1-23 Sec. 419.0323. RESTRICTIONS ON CERTAIN CERTIFICATE
1-24 HOLDERS. (a) An employee of a municipality that has adopted
1-25 Chapter 143, Local Government Code, may not perform a duty that is
1-26 classified as a wildland firefighting duty, including fighting a
1-27 wildfire event that began as a prescribed burn, unless that person
1-28 is:

1-29 (1) a permanent, full-time fire department civil
1-30 service employee regularly assigned to perform one or more duties
1-31 listed under Section 419.021(3)(C); or

1-32 (2) certified by the commission to conduct fire
1-33 suppression in a wildland or wildland-urban interface setting and
1-34 is performing the wildland firefighting duty under the supervision
1-35 of a fire department that is authorized to act in the area in which
1-36 the wildland firefighting duty is being performed.

1-37 (b) This section does not prohibit a municipal employee from
1-38 performing a duty that may be classified as a wildland firefighting
1-39 duty if the municipal employee:

1-40 (1) is not acting as an employee of a municipality when
1-41 performing the duty; and

1-42 (2) is acting as a member of a volunteer fire
1-43 department when performing the duty.

1-44 (c) This section may not be construed to prohibit a
1-45 municipal employee from performing a prescribed burn in accordance
1-46 with Chapter 153, Natural Resources Code, if:

1-47 (1) the prescribed burn is monitored by one or more
1-48 permanent, full-time fire department civil service employees
1-49 regularly assigned to perform one or more duties listed under
1-50 Section 419.021(3)(C); and

1-51 (2) a fire department employee described by
1-52 Subdivision (1):

1-53 (A) reviews the burn plan for the prescribed burn
1-54 and collaborates with the prescribed burn manager to ensure the
1-55 prescribed burn is conducted safely and within the burn plan
1-56 limits; and

1-57 (B) has the authority to stop any action relating
1-58 to the prescribed burn determined by the fire department employee
1-59 to be unsafe and to take corrective action, including by:

1-60 (i) stopping an unsafe firefighting
1-61 practice;

2-1 (ii) terminating the prescribed burn to
2-2 avoid extreme fire behavior; and

2-3 (iii) assuming incident command and
2-4 converting to emergency firefighting operations if such action is
2-5 determined necessary by the fire department employee.

2-6 (d) The commission shall adopt and implement rules relating
2-7 to the application of this section to a fire department.

2-8 SECTION 2. The Texas Commission on Fire Protection shall
2-9 adopt the rules required under Section 419.0323, Government Code,
2-10 as added by this Act, not later than January 1, 2018.

2-11 SECTION 3. This Act takes effect immediately if it receives
2-12 a vote of two-thirds of all the members elected to each house, as
2-13 provided by Section 39, Article III, Texas Constitution. If this
2-14 Act does not receive the vote necessary for immediate effect, this
2-15 Act takes effect September 1, 2017.

2-16

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