

1-1 By: Hall, et al. S.B. No. 709  
 1-2 (In the Senate - Filed March 5, 2021; March 11, 2021, read  
 1-3 first time and referred to Committee on Local Government;  
 1-4 March 31, 2021, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 31, 2021,  
 1-6 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	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 709 By: Hall

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the continuation and functions of the Texas Commission  
 1-22 on Fire Protection.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 419.003, Government Code, is amended to  
 1-25 read as follows:

1-26 Sec. 419.003. SUNSET PROVISION. The Texas Commission on  
 1-27 Fire Protection is subject to Chapter 325 (Texas Sunset Act).  
 1-28 Unless continued in existence as provided by that chapter, the  
 1-29 commission is abolished [~~and this chapter expires~~] September 1,  
 1-30 2033 [~~2021~~].

1-31 SECTION 2. Section 419.004(d), Government Code, is amended  
 1-32 to read as follows:

1-33 (d) Appointments to the commission shall be made without  
 1-34 regard to the race, color, disability [~~handicap~~], sex, religion,  
 1-35 age, or national origin of the appointees.

1-36 SECTION 3. Section 419.0071, Government Code, is amended by  
 1-37 amending Subsection (b) and adding Subsection (d) to read as  
 1-38 follows:

1-39 (b) The training program must provide the person with  
 1-40 information regarding:

1-41 (1) the law governing [~~legislation that created the~~]  
 1-42 commission operations;

1-43 (2) the programs, functions, rules, and budget of the  
 1-44 commission;

1-45 (3) the scope of and limitations on the rulemaking  
 1-46 authority of the commission;

1-47 (4) the results of the most recent formal audit of the  
 1-48 commission;

1-49 (5) [~~(4)~~] the requirements of:

1-50 (A) laws relating to open meetings, public  
 1-51 information, administrative procedure, and disclosing conflicts of  
 1-52 interest; and

1-53 (B) other laws applicable to members of a state  
 1-54 policy-making body in performing their duties; and

1-55 (6) [~~(5)~~] any applicable ethics policies adopted by  
 1-56 the commission or the Texas Ethics Commission.

1-57 (d) The executive director of the commission shall create a  
 1-58 training manual that includes the information required by  
 1-59 Subsection (b). The executive director shall distribute a copy of  
 1-60 the training manual annually to each member of the commission. Each

2-1 member of the commission shall sign and submit to the executive  
 2-2 director a statement acknowledging that the member received and has  
 2-3 reviewed the training manual.

2-4 SECTION 4. Section 419.008(f), Government Code, is amended  
 2-5 to read as follows:

2-6 (f) The commission may appoint advisory committees to  
 2-7 assist it in the performance of its duties. A member of an advisory  
 2-8 committee appointed by the commission or otherwise appointed under  
 2-9 this chapter may not receive compensation for service on the  
 2-10 advisory committee. A member appointed under this chapter is  
 2-11 entitled to receive reimbursement, subject to any applicable  
 2-12 limitation on reimbursement provided by the General Appropriations  
 2-13 Act, for actual and necessary expenses incurred in performing  
 2-14 services as a member of the advisory committee. Members appointed  
 2-15 under this chapter shall serve six-year staggered terms but may not  
 2-16 be appointed to consecutive terms.

2-17 SECTION 5. Section 419.011(c), Government Code, is amended  
 2-18 to read as follows:

2-19 (c) The commission shall periodically notify the complaint  
 2-20 parties of the status of the complaint until final disposition  
 2-21 unless the notice would jeopardize an investigation.

2-22 SECTION 6. Section 419.026(a), Government Code, is amended  
 2-23 to read as follows:

2-24 (a) The commission shall set and collect a fee for each  
 2-25 certificate that the commission issues or renews under this  
 2-26 subchapter, except that if a person holds more than one certificate  
 2-27 the commission may collect only one fee [~~each year~~] for the renewal  
 2-28 of those certificates. The commission by rule shall set the amount  
 2-29 of the fee under this subsection in an amount designed to recover  
 2-30 the commission's costs in connection with issuing certificates  
 2-31 under this subchapter, including the cost to the commission of  
 2-32 obtaining fingerprint-based criminal history record information  
 2-33 under Section 419.0325. The employing agency or entity shall pay  
 2-34 the fee in the manner prescribed by commission rule. A certificate  
 2-35 issued under this subchapter is valid for one or two years as  
 2-36 determined by commission rule [~~The certificate must be renewed~~  
 2-37 ~~annually~~].

2-38 SECTION 7. Subchapter B, Chapter 419, Government Code, is  
 2-39 amended by adding Section 419.0265 to read as follows:

2-40 Sec. 419.0265. RECIPROCITY. (a) The commission may waive  
 2-41 any prerequisite to obtaining a certificate under this subchapter  
 2-42 for an applicant who holds a license or certificate issued by  
 2-43 another jurisdiction:

2-44 (1) that has licensing or certification requirements  
 2-45 substantially equivalent to those of this state; or

2-46 (2) with which this state has a reciprocity agreement.

2-47 (b) The commission may make an agreement with another state  
 2-48 to allow for certification by reciprocity.

2-49 SECTION 8. Section 419.032(c), Government Code, is amended  
 2-50 to read as follows:

2-51 (c) Fire protection personnel who receive temporary or  
 2-52 probationary appointment and who fail to satisfactorily complete a  
 2-53 basic course in fire protection, as prescribed by the commission,  
 2-54 before one year after the date of the original appointment forfeit,  
 2-55 and shall be removed from, the position. A temporary or  
 2-56 probationary appointment may not be extended beyond one year by  
 2-57 renewal of appointment or otherwise, except that on petition of a  
 2-58 fire department one year or more after the date of the forfeiture  
 2-59 and removal, the commission may reinstate the person's temporary or  
 2-60 probationary employment. Fire protection personnel must complete a  
 2-61 commission-approved training course in fire suppression before  
 2-62 being assigned full-time to fire suppression duties. The  
 2-63 commission may, on application by a fire department [~~and after~~  
 2-64 ~~receiving the comments and advice of the fire fighter advisory~~  
 2-65 ~~committee~~], extend from one year to a period not to exceed two years  
 2-66 the time allowed for fire protection personnel receiving a  
 2-67 temporary or probationary appointment to successfully complete a  
 2-68 basic course in fire protection.

2-69 SECTION 9. Sections 419.008(e), 419.0082, and 419.023,

3-1 Government Code, are repealed.

3-2 SECTION 10. (a) Except as provided by Subsection (b) of  
3-3 this section, Section 419.0071, Government Code, as amended by this  
3-4 Act, applies to a member of the Texas Commission on Fire Protection  
3-5 appointed before, on, or after the effective date of this Act.

3-6 (b) A member of the Texas Commission on Fire Protection who,  
3-7 before the effective date of this Act, completed the training  
3-8 program required by Section 419.0071, Government Code, as the  
3-9 applicable law existed before the effective date of this Act, is  
3-10 required to complete additional training only on the subjects added  
3-11 by this Act to the training program required by Section 419.0071,  
3-12 Government Code. A member described by this subsection may not  
3-13 vote, deliberate, or be counted as a member in attendance at a  
3-14 meeting of the commission held on or after December 1, 2021, until  
3-15 the member completes the additional training.

3-16 SECTION 11. This Act takes effect September 1, 2021.

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