

BILL ANALYSIS

H.B. 1009
By: Alonzo
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have raised concerns regarding certain municipal employees being assigned to wildland firefighting duties. H.B. 1009 seeks to address these concerns by providing a restriction on who may perform such a duty.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Fire Protection in SECTION 1 of this bill.

ANALYSIS

H.B. 1009 amends the Government Code to prohibit an employee of a municipality that has adopted the firefighters' and police officers' civil service law from performing a duty that is classified as a wildland firefighting duty, including conducting a prescribed burn, unless that person is a permanent, full-time fire department civil service employee regularly assigned firefighting duties, regardless of whether the person holds a certificate issued by the Texas Commission on Fire Protection. The bill expressly does not prohibit a municipal employee from performing a duty that may be classified as a wildland firefighting duty if the municipal employee when performing the duty is not acting as an employee of a municipality, but is acting as a member of a volunteer fire department. The bill expressly may not be construed as prohibiting commission certified fire protection personnel from performing a wildland firefighting duty, including conducting a prescribed burn, under the supervision of a fire department in the area in which the fire department is authorized to act. The bill requires the commission, not later than January 1, 2018, to adopt and implement rules relating to the bill's application to a fire department.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.