

BILL ANALYSIS

C.S.S.B. 709
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Commission on Fire Protection (TCFP) regulates training and certification for paid fire fighters in Texas. Following review during the 2020-2021 sunset review cycle, the Sunset Advisory Commission found that the TCFP's current regulatory scope is appropriate and that the TCFP should be continued. The sunset commission also found that the 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. The sunset commission's recommendations for changes regarding the TCFP address several ongoing concerns with the fire fighter advisory committee, which has continued to operate even though it has been abolished by general law, and the terms for members of other TCFP advisory committees. C.S.S.B. 709 seeks to continue the TCFP with several statutory modifications aimed at addressing these sunset recommendations and implementing additional good government standards.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 709 amends the Government Code to continue the Texas Commission on Fire Protection (TCFP) until September 1, 2033. With respect to the TCFP, the bill does the following:

- removes the provision subjecting state law governing the TCFP to expiration along with the TCFP if not continued as provided by the Texas Sunset Act;
- updates provisions relating to appointments to the TCFP to include person-first respectful language in the requirement for appointments to be made without regard to a person's disability;
- regarding TCFP member training:
 - revises provisions related to TCFP member training and provides for the creation of a related training manual that each member must acknowledge having received and reviewed; and
 - provides for the transition to the new training requirements for TCFP members appointed before the bill's effective date;
- with respect to TCFP advisory committees:
 - sets the term of office for an advisory committee member at six years;
 - requires that those terms be staggered; and

- prohibits an advisory committee member from being appointed to serve more than two consecutive terms;
- revises provisions relating to complaints filed with the TCFP to apply certain sunset good government provisions;
- replaces the requirement for a certificate for fire protection personnel to be renewed annually with an authorization for the TCFP to determine by rule whether a certificate is valid for one or two years;
- authorizes the TCFP to enter into reciprocity agreements with other states with respect to the certification of fire protection personnel; and
- repeals the requirement for the TCFP to report to the governor and to the legislature on its activities each biennium.

The bill also officially repeals and removes provisions relating to the fire fighter advisory committee, which was effectively abolished in 2005 but has continued in operation thereafter, and a certain obsolete dedicated account.

C.S.S.B. 709 repeals Sections 419.008(e), 419.0082, and 419.023, Government Code.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 709 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Whereas the engrossed prohibited TCFP members from being appointed to consecutive terms, the substitute prohibits members from serving more than two consecutive terms.

The substitute includes provisions not in the engrossed removing references to a certain obsolete dedicated account.