

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2446
By: Swanson et al. (Fallon)
Business & Commerce
5/20/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 2446 amends current law relating to the availability of certain information regarding firefighters, volunteer firefighters, emergency medical services personnel, and fire safety inspectors and the certification and training for fire safety inspectors.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.1235(a), Government Code, as follows:

(a) Creates Subdivision (1) from existing text and redesignates existing Subdivisions (1) and (2) as Paragraphs (A) and (B). Entitles a volunteer fire department or a fire department operated by an emergency services district to obtain from the Department of Public Safety of the State of Texas (DPS) criminal history record information maintained by DPS that relates to a person who:

(1) makes no further changes to this subdivision; or

(2) holds a position with the fire department and seeks to conduct fire safety inspections without becoming certified as a fire safety inspector by the Texas Commission on Fire Protection (TCFP).

SECTION 2. Amends Section 411.129(a), Government Code, as follows:

(a) Redesignates previously existing Subdivisions (1), (2), (3), (4), and (5) as Paragraphs (A), (B), (C), (D), and (E), and makes a nonsubstantive change. Entitles a municipality, except as provided by Subsection (b) (relating to providing that a municipality is not entitled to obtain under this section any information about a person if the municipality is entitled to obtain under another section of this subchapter (Criminal History Record Information) any criminal history record information about the person), to obtain from DPS criminal history record information maintained by the department that relates to a person who:

(1) makes no further changes to this subdivision; or

(2) seeks the municipality's authorization to conduct fire safety inspections without becoming certified as a fire inspector by TCFP.

SECTION 3. Amends Section 419.909, Government Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Creates an exception under Subsection (a-1) to the provision that only an individual certified by TCFP as a fire inspector is authorized to conduct a fire safety inspection

required by a state or local law, rule, regulation, or ordinance. Authorizes certain entities to provide training related to fire safety inspections.

(a-1) Provides that, subject to Subsection (a-2), for purposes of conducting a fire safety inspection under Subsection (a), an individual is not required to be certified by TCFP if:

(1) the individual:

(A) has completed a course of training on fire safety inspections offered by an entity described by Subsection (a) that complies with NFPA Standard 1031: Fire Inspector I, 2014 Edition, "Standard for Professional Qualifications for Fire Inspector and Plan Examiner," as published by the National Fire Protection Association;

(B) is:

(i) a member of a volunteer fire department; or

(ii) authorized to conduct fire safety inspections by a municipality in which an emergency services district is located if the municipality has adopted a fire safety code; and

(C) has not been convicted of an offense that involves family violence, as defined by Section 71.004 (Family Violence), Family Code, or a felony; and

(2) the inspection is conducted in:

(A) a country with a population of less than 100,000; or

(B) a political subdivision of this state that employs fewer than five firefighters regulated by TCFP.

(a-2) Authorizes a volunteer fire department or a municipality described by Subsection (a-1)(1)(B)(ii) to obtain an individual's criminal history record information for use in conducting a criminal history background check before authorizing the individual to conduct fire safety inspections.

SECTION 4. Reenacts Section 552.117(a), Government Code, as amended by Chapters 34 (S.B. 1576), 190 (S.B. 42), and 1006 (H.B. 1278), Acts of the 85th Legislature, Regular Session, 2017, and amends it as follows:

(a) Provides that information is excepted from the requirements of Section 552.021 (Availability of Public Information) if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(1)–(10) makes no changes to these subdivisions;

(11)–(13) makes nonsubstantive changes to these subdivisions;

(14) redesignates Subdivision (12), as amended by Chapter 34 (S.B.1576), Acts of the 85th Legislature, Regular Session, 2019, as Subdivision (14) and makes no further changes;

(15) redesignates Subdivision (12), as amended by Chapter 190 (S.B.42), Acts of the 85th Legislature, Regular Session, 2019, as Subdivision (15) and makes a nonsubstantive change; or

(16) a firefighter or volunteer firefighter or emergency medical services personnel as defined by Section 773.003 (Definitions), Health and Safety Code, regardless of whether the firefighter or volunteer firefighter or emergency medical services personnel comply with Section 552.024 (Electing to Disclose Address and Telephone Number) or 552.1175, as applicable. Deletes existing Subdivision (13) relating to a current or former district attorney, criminal district attorney, or county attorney whose jurisdiction includes any criminal law or child protective services matter.

SECTION 5. Amends the heading to Section 552.1175, Government Code, to read as follows:

Sec. 552.1175. EXCEPTION: CONFIDENTIALITY OF CERTAIN PERSONAL IDENTIFYING INFORMATION OF PEACE OFFICERS AND OTHER OFFICIALS PERFORMING SENSITIVE GOVERNMENTAL FUNCTIONS.

SECTION 6. Amends Section 552.1175(a), Government Code, as follows:

(a) Provides that this section only applies to:

(1)–(12) makes no changes to these subdivisions;

(13)–(14) makes nonsubstantive changes to these subdivisions; and

(15) a firefighter or volunteer firefighter or emergency medical services personnel as defined by Section 773.003, Health and Safety Code.

SECTION 7. Amends Subchapter C, Chapter 552, Government Code, by adding Section 552.159, as follows:

Sec. 552.159. EXCEPTION: CONFIDENTIALITY OF CERTAIN WORK SCHEDULES. Provides that a work schedule or a time sheet of a firefighter or volunteer firefighter or emergency medical services personnel as defined by Section 773.003, Health and Safety Code, is confidential and excepted from the requirements of Section 552.021.

SECTION 8. Reenacts Section 25.025(a), Tax Code, as amended by Chapters 34 (S.B. 1576), 41 (S.B. 256), 193 (S.B. 510), 1006 (H.B. 1278), and 1145 (H.B. 457), Acts of the 85th Legislature, Regular Session, 2017, and amends it as follows:

(a) Provides that this section (Confidentiality of Certain Home Address Information) only applies to:

(1)–(6) makes no changes to these subdivisions;

(7)–(9) redesignates Subdivisions (6)–(8), as amended by Chapter 41 (S.B. 256), Acts of the 85th Legislature, Regular Session, 2017, as Subdivisions (7)–(9) and makes no further changes;

(10) redesignates existing Subdivision (7) as Subdivision (10) and makes no further changes;

(11)–(21) redesignates Subdivisions (9)–(19), as amended by Chapter 41 (S.B. 256), Acts of the 85th Legislature, Regular Session, 2017, as Subdivisions (11)–(21) and makes a nonsubstantive change;

(22) redesignates Subdivision (18), as amended by Chapter 34 (S.B. 1576), Acts of the 85th Legislature, Regular Session, 2017, as Subdivision (22) and makes a nonsubstantive change;

(23) redesignates Subdivision (18), as amended by Chapter 193 (S.B. 510), Acts of the 85th Legislature, Regular Session, 2017, as Subdivision (23) and makes a nonsubstantive change; and

(24) a firefighter or volunteer firefighter or emergency medical services personnel as defined by Section 773.003, Health and Safety Code.

SECTION 9. Makes application of this Act prospective.

SECTION 10. Provides that, to the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 11. Effective date: upon passage or September 1, 2019.