

SUBJECT: Allowing Commission on Fire Protection to modify committee proposals

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 8 ayes — Hill, Conley, Bailey, Davila, Ehrhardt, Staples, Thompson, Tillery

0 nays

1 absent — Woolley

WITNESSES: For — Karen Kennard, Texas Municipal League; Ken Bailey, Texas State Association of Fire Fighters; Charlie Hester, State Firemen's and Fire Marshal's Association of Texas; Richard A. Knopf, Texas Fire Chief's Association.

Against — None

On — Rick Mumey, Houston Professional Fire Fighters Association; Mike Hines, Texas Commission on Fire Protection.

BACKGROUND: The Texas Commission on Fire Protection (TCFP) was created in 1991 by consolidating the Fire Department Emergency Board and the Commission on Fire Protection Personnel Standards and Education. TCFP regulates and assists paid fire protection personnel and fire departments across the state; and maintains training programs for firefighter certification, to name a few responsibilities.

The commission's 12-member governing body is appointed by the governor and confirmed by the senate for six year terms. Six commissioners must be active fire chiefs and fire protection employees, and three must be volunteer firefighters.

The TCFP has established several advisory committees to assist them in performing numerous tasks and responsibilities: the Fire Protection Personnel Advisory Committee; the Volunteer Firefighter Advisory Committee; the Funds Allocation Advisory Committee; the Fire Alarm Advisory Council; the Fire Protection (Sprinkler) Advisory Council; the Fireworks Advisory Council; and the Fire Extinguisher Advisory Council.

Committee members are appointed by the TCFP and serve one year terms, but may be reappointed. The committees propose rule changes to the TCFP, which may adopt or reject them. If the TCFP rejects any proposals, an explanation must accompany the returned rule.

DIGEST: CSHB 613 would amend the Government Code to allow the Texas Commission on Fire Protection (TCFP) adopt, reject or modify recommendations proposed by the Fire Protection Personnel Advisory Committee, Volunteer Fire Protection Personnel Advisory Committee and by advisory councils created under the Insurance Code.

The bill would take effect immediately if approved by a two-thirds vote of the membership of each house.

SUPPORTERS SAY: Commissioners on the Texas Commission on Fire Protection (TCFP) should be allowed to set policy, a role shared by commissioners on other state commissions that also have advisory committees. Currently, policy changes only occur if the advisory committees proposes them. Commissioners can only adopt or reject policy changes.

Commissioners are appointed by the governor and need the flexibility to approve, reject or modify recommendations they receive from the various advisory committees. Any proposed changes or rejected proposals would still go through an open meeting process as required under the law.

The TCFP has been in constant turmoil since its creation by the legislature in 1991. CSHB 613 would begin the process of rectifying problems.

OPPONENTS SAY: No apparent opposition.

NOTES: The committee substitute differs from the original by deleting provisions on the Commission's composition, definition of fire protection personnel, inspections, training programs, certification, and counties' request for fire standards.