

# TEXAS COMMISSION ON FIRE PROTECTION

July 9, 2009, at 9:30 a.m.

William B. Travis Bldg. 1701 N. Congress Avenue, Room 1-104, Austin, Texas

1. Roll call and welcoming of new commission members---9:30 a.m.
2. Adoption of the April 30, 2009 Commission meeting minutes.
3. The Budget and Strategic Plan subcommittees will meet on July 9, 2009, during the commission meeting and may develop recommendations to be presented to the full commission including but not limited to, modifications to the agency operating budget and strategic plan. The subcommittees may meet separately or together.
4. Report from the Budget and Strategic Plan subcommittees with discussion and possible action relating to any recommendations developed by these subcommittees.
5. Reports from fire service interest groups and agencies on matters relating to organizational purposes, functions, and objectives, including, but not limited to, the Texas Fire Chiefs Association, the Texas State Association of Fire Fighters, the State Firemen's and Fire Marshals' Association of Texas, the Texas Association of Fire Educators, the Texas Forest Service, the National Fire Protection Association, and the State Fire Marshal's Office.
6. Discussion and possible action concerning reports by the Commission representative to the Texas Fire School Advisory Board and by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).
7. New matters from the commission, staff, or public regarding rulemaking which may be discussed in future Commission meetings.
8. Discussion and possible action on future meeting dates.
9. Discussion and possible action on House Bill 2854 per request from Mike Higgins, Texas State Association of Fire Fighters (TSAFF).
10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including, but not limited to:
  - A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:
    1. Proposed amendments to 37 TAC, Chapter 421, Standards for Certification, including, but not limited to §421.5 and §421.17.
    2. Proposed amendments to 37 TAC, Chapter 427, Training Facility Certification, including, but not limited to §§427.201, 427.303 and 427.305.
    3. Proposed amendments to 37 TAC, Chapter 433, Minimum Standards for Driver/Operator-Pumper, including, but not limited to §433.5.
    4. Proposed amendments to 37 TAC Chapter 437, Fees, including, but not limited to §§437.3, 437.5 and 437.13.
    5. Proposed amendments to 37 TAC, Chapter 439, Examinations for Certification, including, but not limited to §§439.1, 439.3, 439.5, 439.7, 439.9, 439.11, 439.13, 439.15, 439.17, 439.19, 439.203, and 439.205.
    6. Proposed amendments to 37 TAC Chapter 449, Head of a Fire Department, including, but not limited to §449.3 and §449.5.

7. Proposed amendments to 37 TAC Chapter 451, Fire Officer, including, but not limited to §451.5 and §451.205.
  8. Proposed amendments to 37 TAC Chapter 453, Minimum Standards for Hazardous Materials Technician, including, but not limited to §453.5.
- B. Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:**
1. Proposed amendments to 37 TAC, Chapter 429, Fire Inspector, including, but not limited to §429.203.
  2. Proposed amendments to 37 TAC, Chapter 435, Fire Fighter Safety, including, but not limited to §435.23.
  3. Proposed amendments to 37 TAC, Chapter 445, Administrative Inspections and Penalties, including, but not limited to §§445.1, 445.9, 445.11, 445.13 and 445.15.
- C. Discussion and possible action on recommendations from the Curriculum and Testing Committee.**
11. Discussion and possible action on proposed amendments to 37 TAC Chapter 435, Fire Fighter Safety, including, but not limited to §435.1 per request from Mr. Rick Johnson, President/Co-Owner of Gear Cleaning Solutions.
  12. Discussion and possible action on proposed amendments to 37 TAC Chapter 421, Standards for Certification, including, but not limited to §421.9.
  13. Discussion and possible approval of the addition of classes or courses to the A List and B List for higher levels of certification.
  14. Update from standards division director on matters relating to the activities of the following committees: International Fire Service Accreditation Congress, Respiratory Protection and Personal Alarm Equipment Committee, Fire Service Occupational Safety Committee, NFPA 1971 Technical Committee, and NFPA Technical Correlating Committee on Fire and Emergency Services Protective Clothing and Equipment.
  15. Discussion and possible action on matters from the Executive Director.
    - A. Report on decisions of the Executive Director in contested cases and consent orders.
    - B. Status of division functions.
    - C. Update on legislative session.
  16. Executive session pursuant to Government Code, Section 551.074, for the discussion of personnel matters: the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, and the appointment, employment, reassignment, or duties of personnel acting on an interim basis.
  17. Open session for further discussion and possible action regarding preceding agenda item.
  18. Adjourn meeting.

The Texas Commission on Fire Protection may go into executive session on any agenda item if authorized by the Open Meetings Act, Texas Government Code Chapter 551.

1. **Roll call and welcoming of new commission members---9:30 a.m.**

**2. Adoption of the April 30, 2009 Commission meeting minutes.**

## TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Chris Connealy, at 9:30 a.m. called the April 30, 2009 meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

Attending	Les Bunte Rhea Cooper Micheal Melton	Jane Burch Yusuf Farran* Arthur Pertile, III*	Elroy Carson Jody Gonzalez Kelley Stalder	Chris Connealy John Gillette
				*absent entire meeting **absent part of meeting

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Staff	Gary L. Warren, Sr. Ana Muñoz	Jake Soteriou Miles Skipper	Deborah Cowan Jim Crowson, Assistant Attorney General	Dianne Hudson
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Guests	Tim Gothard Craig Kolls, Jr. Paul Maldonado Chris Barron Ken Dozier Alan Dillon	Larry Wright Ed Salazar Chris Watson Randy Safer Jerry Doyle Dale Skinner	George Harris Phillip Bradley Tim Hunter Tim Gardner Cary Roccaforte Lalo Rodela	Mike Jones Steve Tonick Jim Reidy Kyle Mitchell Adrian Garcia Mark Mollenberg	Patrick Shipp Columbus Stutes Chuck French Gilbert Bennett Monty Owens
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| 1. Roll call | Secretary, John Gillette called roll and 9 of 11 commissioners were present. |
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| 2. Adoption of Minutes | A motion to approve the minutes of the January 29, 2009 commission meeting was made by Kelley Stalder and seconded by John Gillette. The motion carried. |
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| 3. Appointment to Fire Fighter Advisory Committee | After discussion, Michael Jones was selected to fill the vacancy on the fire fighter advisory committee. |
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| 4. Subcommittee Meetings | The Budget and Strategic Plan subcommittees met jointly to review the agency's operating budget and Strategic Plan. |
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| 5. Budget and Strategic Plan Subcommittee Reports | No action necessary. |
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| 6. Reports from Fire Service Interest Groups | Brief reports were given by the State Fire Marshal's Office, the State Firemen's and Fire Marshals' Association, the Texas State Association of Fire Fighters, Texas Association of Fire Educators, National Fire Protection Agency. |
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| 7. Report from Fire Service School Advisory Board & TEEEX | Commission representative, Michael Hunt informed commission that the advisory board had not met since the last commission meeting; therefore, he had nothing to report.<br>Les Bunte reported that TEEEX had completed its spring school in March. He also reported that TEEEX is now preparing for its annual municipal school in July. |
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| 8. Report on Revisions to FSRS | Phillip Bradley from the Insurance Services Organization gave a brief report on the review and revisions of the Fire Suppression Rating Schedule. He said the draft revision should be completed sometime in 2009. |
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9. New Matters Fee structure based on outcome of legislative session (Sunset Review Process)

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10. Future Meeting Meeting scheduled for October 22, 2009  
Dates

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11. Matters from Fire Fighter Advisory Committee
- A.
1. A motion to approve for publication proposed amendments to 37 TAC Chapter 421, §421.5 and §421.17 as discussed was made by Les Bunte and seconded by John Gillette. The motion carried.
  2. A motion to approve for publication the proposed amendments to 37 TAC Chapter 427, §§427.201, 427.303 and 427.305 as discussed was made by Kelley Stalder and seconded by Elroy Carson. The motion carried.
  3. A motion to approve for publication the proposed amendments to 37 TAC Chapter 433, §433.5 as discussed was made by Rhea Cooper and seconded by Kelley Stalder. The motion carried.
  4. A motion to approve for publication the proposed amendments to 37 TAC Chapter 437, §437.13 as discussed was made by Kelley Stalder and seconded by Jane Burch. The motion carried.
  5. A motion to approve for publication the proposed amendments to 37 TAC Chapter 439, §§439.1, 439.3, 439.5, 439.7, 439.9, 439.11, 439.13, 439.15, 439.17, 439.19, 439.203, and 439.205 as discussed was made by Rhea Cooper and seconded by John Gillette. The motion carried.
  6. A motion to approve for publication the proposed amendments to 37 TAC Chapter 449, §449.3 and §439.5 as discussed was made by Elroy Carson and seconded by Les Bunte. The motion carried.
  7. A motion to approve for publication the proposed amendments to 37 TAC Chapter 451, §451.5 and §451.205 as discussed was made by Elroy Carson and seconded by Micheal Melton. The motion carried.
  8. A motion to approve for publication the proposed amendments to 37 TAC Chapter 453, §453.5 as discussed was made by Rhea Cooper and seconded by Jane Burch. The motion carried.
- B. A motion to approve the new outline for Basic Fire Inspector with changes as discussed was made by John Gillette and seconded by Jane Burch. The motion carried.
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12. Matters from Funds Allocation Advisory Committee
- A. A motion to approve the recommendation of awards as presented and discussed by the Funds Allocation Advisory Committee was made by Les Bunte and seconded by John Gillette. The motion carried.
- B. No action necessary.
- C. No action necessary.
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13. 37 TAC Chapter 437 Fees
- A motion to approve for publication the proposed amendments to 37 TAC Chapter 437, §437.3 and §437.5 as discussed was made by Rhea Cooper and seconded by Elroy Carson. The motion carried.

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| 14. Discontinuance of wallet-sized certification cards | After discussion, no action taken.  |
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| 15. Development of on-line testing                     | Jake Soteriou, Director of Standards & Certification Division gave a brief history on testing issues to date. No action taken.  |
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| 16. Staff update on Committee Activities               | Jake Soteriou noted that the agency had not attended any NFPA meetings. He stated that Mollie Clakley had attended an International Fire Service Accreditation Congress meeting and provided a synopsis of that meeting to commissioners.   |
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| 17. Matters from Executive Director                    | <p>a. Mr. Warren informed commissioners there were no consent orders during the last quarter.</p> <p>b. Mr. Warren gave a brief update on agency activities since the January 2009 commission meeting. He thanked all commissioners who were able to attend the various committee meetings at the State Capitol. Mr. Warren asked Jake Soteriou and Ana Munoz to introduce the two newest employees of the agency. Miles Skipper introduced Laura Bucaro, Librarian and Ana Munoz introduced Jeffery Gregory, Human Resources. Mr. Warren informed the commissioners the agency had undergone a performance measure audit by the State Auditor's Office. He informed them he would provide further information at the July commission meeting. He also gave an update on the agency's sunset legislation (SB 1011 and HB 3390).</p> |
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| 18. Executive Session                                  | Presiding Officer, Chris Connealy called the Executive Session at 5:20 p.m.   |
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| 19. Open Session                                       | Open session resumed at 6:10 p.m. A motion to allow the presiding officer to finalize the performance evaluation of the executive director was made by Micheal Melton and seconded by Jane Burch. The motion carried.   |
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| 20. Adjournment 6:15 p.m.                              | A motion to adjourn was made by Micheal Melton and seconded by Rhea Cooper. The motion carried.   |

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Chris Connealy, Presiding Officer

- 3. The Budget and Strategic Plan subcommittees will meet on July 9, 2009 during the commission meeting and may develop recommendations to be presented to the full commission including but not limited to, modifications to the agency operating budget and strategic plan. The subcommittees may meet separately or together.**

### TCFP FY09 Measures, FY09 Strategic Plan

Key	Division	FY09 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY09 YTD Sum	FY09 Target	% ytd/tar	Measures/Explanation
<b>Output</b>		<i>A quantifiable indicator of the number of goods or services an agency produces</i>							
<input type="checkbox"/>	Lib	01-01-01:01	231	221	193	645	1,185	54%	<b>Number of requests from fire department and other entities for agency training and education resources.</b>
						Cumulative			Lower than target.
<input type="checkbox"/>	Lib	01-01-01:02	23	8	13	44	296	15%	<b>Number of research requests for agency information resource center.</b>
						Cumulative			Lower than target.
<input type="checkbox"/>	Std	02-01-01:01	121	60	251	432	600	72%	<b>Number of inspections of regulated entities.</b>
						Cumulative			Slightly lower than target.
<input type="checkbox"/>	Std	02-01-01:02	2,607	2,963	2,599	8,169	7,500	109%	<b>Number of new certifications issued to individuals.</b>
						Cumulative			Have exceeded target
<input type="checkbox"/>	Std	02-01-01:03	24,386	431	2,182	26,999	25,000	108%	<b>Number of certifications renewed (individuals).</b>
						Cumulative			Have exceeded target
<input type="checkbox"/>	Std	02-01-01:04	2,510	2,818	3,333	8,661	9,000	96%	<b>Number of individuals examined.</b>
						Cumulative			On track to exceed target
<input type="checkbox"/>	Adm	04-01-01:01	644	4,713	2,383	7,739	13,000	60%	<b>Dollar value of HUB contacts awarded.</b>
						Cumulative			Lower than target.
<b>Explanatory</b>		<i>(Annual) An indicator of factors, agency resources, or requests received that affect a state entity's performance.</i>							
<input type="checkbox"/>	Fin	01-02-01:01	266,193	225,687	2,836	494,716	1,000,000	49%	<b>Amount available to fire departments for loans and grants.</b>
						Cumulative			On track to meet target.
<input type="checkbox"/>	Fin	01-02-01:02	1,680,341	0	2,098,883	3,779,224	2,500,000	151%	<b>Amount requested by fire departments for loans and grants.</b>
						Cumulative			Exceed target.
<input type="checkbox"/>	Std	02-01-01:01	92.44	90.42	91.71	92	92	100%	<b>Pass Rate (Percent)</b>
						Non-Cumulative			On track to meet target.
<input checked="" type="checkbox"/>	Std	02-01-01:02	27,148	28,050	25,050	25,050	25,600	98%	<b>Number of fire service personnel certified by the Commission.</b>
						Non-Cumulative			Have exceeded target.
<input type="checkbox"/>	Std	02-01-01:03	211	200	220	220	220	100%	<b>Number of fire service training facilities certified by the Commission.</b>
						Non-Cumulative			On target.

Cumulative Measure: A measure for which one quarter's performance can be added to a previous quarter's performance to obtain year-to-date performance; otherwise, a measure is non-cumulative.

Non-Cumulative Measure: A measure which, in order to determine year-to-date performance, must be calculated for the entire reporting period and not on the basis of adding together the performance from separate reporting periods

\* Cumulative type or method of calculation needs to be changed.

**TCFP FY09 Measures, FY09 Strategic Plan**

Key	Division	FY09 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY09 YTD Sum	FY09 Target	% Target ytd/tar	Measures/Explanation
<b>Efficiency</b> <i>A quantifiable indicator of productivity expressed in unit costs, units of time, or other ratio-based units</i>									
<input type="checkbox"/>	Lib	01-01-01:01	1	1	1	1.00	1	100%	<b>Average response time to public requests.</b> Non-Cumulative On target.
<input type="checkbox"/>	Std	02-01-01:01	1.77	13.93	9.93	4.05	6	68%	<b>Average certification cost per individual certificate issued.</b> Non-Cumulative Lower than target which is goal.
<input type="checkbox"/>	Std	02-01-01:02	2.29	2.39	2.18	2.18	2.5	87%	<b>Average certification cost per facility certificate issued.</b> Non-Cumulative Lower than target which is goal.
<input type="checkbox"/>	Std	02-01-01:03	99.46	94.50	99.46	97.66	87	112%	<b>Percentage of new individual certificates issued within 10 days.</b> Non-Cumulative Exceeds target which is goal.
<input type="checkbox"/>	Std	02-01-01:04	99.25	90.26	96.43	98.91	92	108%	<b>Percentage of individual certificate renewals issued within 7 days.</b> Non-Cumulative Exceeds target which is goal.
<input type="checkbox"/>	Std	02-01-01:05	19.58	17.98	14.49	17.09	21	81%	<b>Average cost per exam administered.</b> Non-Cumulative Lower than target which is goal.
<b>Outcome</b> <i>(Annual) A quantifiable indicator of the public and customer benefits from an agency's actions</i>									
<input type="checkbox"/>	Lib	01-01:01	231	221	193	0.0%	2%		<b>Percent increase in the number of requests from local governments and other entities for training and educational materials provided by the fire protection information resource center.</b> Non-Cumulative This measure is driven by the needs of the customer. Target is to exceed previous years by 2% which is 23 requests above the previous years of 1162. We are below target.
<input type="checkbox"/>	Lib	01-01:02	23	8	32	0.0%	10%		<b>Percent increase in number of research requests for the fire protection information resource center.</b> Non-Cumulative This measure is driven by the needs of the customer. Target is to exceed previous years total by 10% which is 27 requests above the previous 269. Without a librarian this will drop to 0.
<input checked="" type="checkbox"/>	Fin	01-02:01	15.84	13.43	13.09	13.1%	32%	41%	<b>Percent of total amount requested for loans/grants compared with requests awarded.</b> Non-Cumulative On track to meet target.
<input checked="" type="checkbox"/>	Std	02-01:01	94.53	94.61	94	94.0%	95%	99%	<b>Percent of inspected certificate holders with no recent violations.</b> Non-Cumulative On target.
<input type="checkbox"/>	Fin	04-01:01	3	24	9	9.0%	10%	90%	<b>Percent of total dollar value of purchasing contracts awarded to HUBs.</b> Non-Cumulative On track to meet target.

Note: Explanations are provided for measures that are 5% or more off target. Targets were requested in the LAR.

# TEXAS COMMISSION ON FIRE PROTECTION FY09 - TO DATE

6/25/2009

Expenditures As Of :

06/01/09

	Info 13008		Stds 13014		Admin 13800		TOTALS		% Spent
	Budget	Expend	Budget	Expend	Budget	Expend	Budget	Expend	
<b>Salaries &amp; Wages:</b>									
7001- Salaries - Exempt Positions		0		0	90,000	67,500	90,000	67,500	
7002- Salaries - Classified Positions	24,097	10,517	1,011,859	759,597	515,787	336,070	1,551,743	1,106,185	
7021- Overtime Pay		0		0		0	0	0	
<b>1001 - Total Salaries &amp; Wages</b>	<b>24,097</b>	<b>10,517</b>	<b>1,011,859</b>	<b>759,597</b>	<b>605,787</b>	<b>403,570</b>	<b>1,641,743</b>	<b>1,173,685</b>	71%
<b>Other Personnel Costs:</b>									
7017- One-Time Merit	0	0	0	0	0	0	0	0	
7022- Longevity Pay	320	80	23,900	15,720	11,760	7,640	35,980	23,440	
7023- Lump Sum Termination	0	0	0	0	0	0	0	0	
7075- Retirement Incentive Pay		0		0		0		0	
7984- Unemployment Compensation		0		0		0		0	
<b>1002 - Total Other Personnel Costs</b>	<b>320</b>	<b>80</b>	<b>23,900</b>	<b>15,720</b>	<b>11,760</b>	<b>7,640</b>	<b>35,980</b>	<b>23,440</b>	65%
<b>Professional Fees and Services:</b>									
7245- Financial & Accounting Services	0	0	0	0	7,100	0	7,100	0	
7253- Other Professional Fees	45	45	942	942	494	494	1,481	1,481	
7274- Temporary Employment Agencies	0	0	0	0	0	0	0	0	
7275- Computer Programming Services	0	0	0	0	0	0	0	0	
<b>2001 - Total Professional Fees and Services</b>	<b>45</b>	<b>45</b>	<b>942</b>	<b>942</b>	<b>7,594</b>	<b>494</b>	<b>8,581</b>	<b>1,481</b>	17%
<b>Fuels and Lubricants:</b>									
7304- Fuels & Lubricants		0		0		0		0	
<b>2002 - Total Fuels and Lubricants:</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>	
<b>Consumable Supplies:</b>									
7300- Consumables	1,449	1,542	13,009	5,876	4,296	1,487	18,754	8,905	
<b>2003 - Total Consumable Supplies:</b>	<b>1,449</b>	<b>1,542</b>	<b>13,009</b>	<b>5,876</b>	<b>4,296</b>	<b>1,487</b>	<b>18,754</b>	<b>8,905</b>	47%
<b>Utilities:</b>									
7501- Electricity	0	27	0	560	0	0	0	586	
7503- Telecommunications-Long Distance	0	0	24	0	0	0	24	0	
7504- Telecommunications-Monthly Charge	0	179	0	6,591	0	2,257	0	9,027	
7510- Telecommunications-Parts & Supplies	0	0	0	55	0	0	0	55	
7514- Telecommunications-Maint & Repair	0	0	0	0	0	0	0	0	
7516- Telecommunications-Other Charges	345	0	21,537	6,626	3,800	0	25,682	6,626	
7522- Telecommunications-Equip Rental	0	0	0	0	0	0	0	0	
<b>2004 - Total Utilities:</b>	<b>345</b>	<b>205</b>	<b>21,561</b>	<b>13,832</b>	<b>3,800</b>	<b>2,257</b>	<b>25,706</b>	<b>16,294</b>	63%

	Info 13008		Stds 13014		Admin 13800		TOTALS		% Spent
	Budget	Expend	Budget	Expend	Budget	Expend	Budget	Expend	
<b>Travel:</b>									
7101- Travel I/S - Public Transportation Fares	0	0	3,726	5,388	2,643	2,659	6,369	8,047	
7102- Mileage	0	0	39,390	10,913	4,646	4,827	44,036	15,740	
7104- Travel I/S - Actual Expense Overnight	0	0	0	0	181	0	181	0	
7105- Travel I/S - Incidental Expenses	0	0	3,843	2,430	595	732	4,438	3,162	
7106- Travel I/S - Meals & Lodging	0	0	35,700	16,049	2,000	0	37,700	16,049	
7107- Travel I/S - Non-Overnight Travel (Meals)	0	0	605	338	113	81	718	419	
7110- Travel I/S - Board Member Meals/Lod	0	0	0	0	5,719	4,200	5,719	4,200	
7111- Travel OOS - Public Transportation Fares	0	0	1,000	218	0	0	1,000	218	
7112- Travel OOS - Mileage	0	0	0	0	0	0	0	0	
7115- Travel OOS - Incidental Expenses	0	0	0	2	0	0	0	2	
7116- Travel OOS - Meals, Lodging Allowable	0	0	0	195	0	85	0	280	
7135- Travel I/S - State Occupancy Tax	0	0	0	204	0	41	0	245	
<b>2005 - Total Travel:</b>	<b>0</b>	<b>0</b>	<b>84,264</b>	<b>35,737</b>	<b>15,897</b>	<b>12,625</b>	<b>100,161</b>	<b>48,362</b>	<b>48%</b>
<b>Rent - Building:</b>									
7462- Rental - Office Space/Building	0	0	2,136	1,602	0	0	2,136	1,602	
7470- Rental of Space	525	306	178	0	828	899	1,531	1,205	
<b>2006 - Total Rent - Building:</b>	<b>525</b>	<b>306</b>	<b>2,314</b>	<b>1,602</b>	<b>828</b>	<b>899</b>	<b>3,667</b>	<b>2,808</b>	<b>77%</b>
<b>Rent - Machine and Other:</b>									
7406- Rental - Furnishings & Equipment (copier)	367	244	7,700	5,133	4,033	2,689	12,100	8,066	
7411- Rental - Computer Equipment	332	218	6,968	4,588	3,650	2,403	10,950	7,210	
<b>2007 - Total Rent - Machine and Other:</b>	<b>699</b>	<b>463</b>	<b>14,668</b>	<b>9,721</b>	<b>7,683</b>	<b>5,092</b>	<b>23,050</b>	<b>15,276</b>	<b>66%</b>
<b>Other Operating Expense:</b>									
7201- Membership Dues	0	160	0	50	50	50	50	260	
7203- Registration Fees-Employee Training	100	0	800	75	400	230	1,300	305	
7204- Insurance Premiums	0	0	0	0	0	0	0	0	
7210- Fees & Other Charges	0	0	3,011	905	240	186	3,251	1,091	
7211- Awards	0	0	135	0	81	239	216	239	
7216- Insurance Premiums - appvd by oag	0	0	225	225	0	0	225	225	
7262- M&R - Computer Software	0	0	0	0	0	0	0	0	
7267- M&R - Computer Equipment	0	0	0	724	0	0	0	724	
7273- Reproduction & Printing	41	31	5,904	4,365	1,588	84	7,533	4,480	
7276- Communication Services	478	125	3,256	2,800	3,717	3,228	7,451	6,153	
7281- Advertising Services	0	0	0	0	0	0	0	0	
7286- Freight/Delivery Services	144	14	3,017	3,113	1,580	163	4,741	3,290	
7291- Postage & Postal Services	818	435	17,323	9,236	7,550	4,797	25,691	14,468	
7299- Purchased Contracted Services	0	258	635	153	3,520	80	4,155	491	
7303- Subscriptions, Periodicals and Info Services	375	0	0	0	0	0	375	0	

	Info 13008		Stds 13014		Admin 13800		TOTALS		% Spent
	Budget	Expend	Budget	Expend	Budget	Expend	Budget	Expend	
7312- Medical Supplies	0	0	0	0	0	0	0	0	
7330- Parts -equip, furn	0	0	0	0	0	0	0	0	
7334- Furnishings & Equipment -Expensed	0	0	0	0	0	0	0	0	
7335- Parts -Computer Equipment - Expensed	0	217	0	0	138	0	138	217	
7340- Real Property and Improvements - Expensed	0	0	0	0	0	0	0	0	
7354- Building remodel - State Leased Expensed	0	0	0	0	0	0	0	0	
7367- Personal Property - M&R	0	18	0	0	359	0	359	18	
7368- Personal Property - M&R- Vehicles	0	0	0	0	0	0	0	0	
7374- Personal Property-F&E- Controlled	0	0	116	165	1,000	0	1,116	165	
7377- Computer Equipment - Expensed	0	0	0	0	271	0	271	0	
7378- Computer Equipment - Controlled	112	0	123	0	65	0	300	0	
7379- Computer Equipment - Cap (>1,000)	0	0	0	0	0	0	0	0	
7380- Computer Software - Expensed	224	0	4,709	0	2,467	1,982	7,400	1,982	
7382- Books - Expensed	0	0	0	0	0	0	0	0	
7806- Interest	0	0	0	0	0	0	0	0	
7947- Workers Compensation Transfer	0	0	0	0	2,775	2,734	2,775	2,734	
7953- SWCAP payment/cost allocation	0	0	0	0	937	936	937	936	
7961- STS Transfers-Telecommunications	51	38	1,066	788	558	413	1,675	1,239	
7973- ??? Cash trnfr out	0	0	0	0	0	0	0	0	
<b>2009 - Total Other Operating Expense:</b>	<b>2,343</b>	<b>1,297</b>	<b>40,320</b>	<b>22,599</b>	<b>27,296</b>	<b>15,122</b>	<b>69,959</b>	<b>39,017</b>	56%
<b>Grants: FDEP (13010)</b>									
7623- Grants- Community Serv. Programs							972,000	439,882	
7701- Loans to Political Subdivisions							15,000	48,000	
<b>4000 - Grants:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>987,000</b>	<b>487,882</b>	
<b>Capital Expenditures:</b>									
7343- Remodeling of Bldg-State Owned-Capitalized	0	0	0	0	0	0	0	0	
7387- computer Software-expensed > 1,000	0	0	0	0	0	0	0	0	
7389- Books, Pre-recorded Ref Material - Capitalize	2,675	2,675	0	0	259	259	2,934	2,934	
<b>5000 - Capital Expenditures:</b>	<b>2,675</b>	<b>2,675</b>	<b>0</b>	<b>0</b>	<b>259</b>	<b>259</b>	<b>2,934</b>	<b>2,934</b>	100%
<b>Not Reported to LBB:</b>									
7050- Benefit Replacement Pay		0		4,450		4,079		8,529	
<b>9999 - Total Not Reported to LBB:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,450</b>	<b>0</b>	<b>4,079</b>	<b>0</b>	<b>8,529</b>	
<b>TOTAL - ALL EXPENDITURES (USAS)</b>	<b>32,498</b>	<b>17,130</b>	<b>1,212,837</b>	<b>870,077</b>	<b>685,200</b>	<b>453,523</b>	<b>2,917,535</b>	<b>1,828,612</b>	
<b>TOTAL - EXPENDITURES less BRP</b>	<b>32,498</b>	<b>17,130</b>	<b>1,212,837</b>	<b>865,627</b>	<b>685,200</b>	<b>449,444</b>	<b>2,917,535</b>	<b>1,820,083</b>	*

**Texas Commission on Fire Protection**  
**Fiscal Year 2009 - Operating Budget**

*Thru: May 31, 2009*

## Goal A: Education, Info and Assistance

	Library	IT	Grants	Total	%	
	<b>Budget:</b>	24,097	0	0	24,097	0
	Expended:	10,517	0	0	10,517	
<b>1001 - Balance Salaries &amp; Wages:</b>	<b>13,580</b>	<b>0</b>	<b>0</b>	<b>13,580</b>	<b>56%</b>	
Other Personnel Costs:						
7017- One-Time Merit	0	0	0	0		
7022- Longevity Pay	100	0	0	100		
7023- Lump Sum Termination	0	0	0	0		
	<b>Budget:</b>	320	0	0	320	0
	Expended:	100	0	0	100	
<b>1002 - Balance Other Personnel Costs</b>	<b>220</b>	<b>0</b>	<b>0</b>	<b>220</b>	<b>69%</b>	
Professional Fees and Services:						
7245- Financial & Accounting Services	0	0	0	0		
7253- Other Professional Fees (EAP)	45	0	0	45		
7274- Temporary Employment Agencies	0	0	0	0		
7275- Computer Programming Services	0	0	0	0		
	<b>Budget:</b>	0	0	0	0	0
	Expended:	45	0	0	45	
<b>2001 - Balance Professional Fees and Services:</b>	<b>(45)</b>	<b>0</b>	<b>0</b>	<b>(45)</b>	<b>#DIV/0!</b>	
	<b>Budget:</b>	1,815	0	0	1,815	0
	Expended:	217	1,325	0	1,542	
<b>2003 - (7300) Balance Consumable Supplies:</b>	<b>1,598</b>	<b>(1,325)</b>	<b>0</b>	<b>273</b>	<b>15%</b>	
Utilities:						
7501- Electricity	27	0	0	27		
7503- Telecommunications-Long Distance	0	0	0	0		
7504- Telecommunications-Monthly Charge	177	0	0	177		
7514- Telecommunications-Maint & Repair	0	0	0	0		
7516- Telecommunications-Other Charges (reg voice/internet)	0	0	0	0		
7517- Telecommunications Equipment-Expensed	0	0	0	0		
	<b>Budget:</b>	345	0	0	345	0
	Expended:	204	0	0	204	
<b>2004 - Balance Utilities:</b>	<b>141</b>	<b>0</b>	<b>0</b>	<b>141</b>	<b>41%</b>	
Travel:						
7101- Travel I/S - Public Transportation Fares	0	0	0	0		
7102- Mileage	0	0	0	0		
7104- Travel I/S - Actual Expense Overnight	0	0	0	0		
7105- Travel I/S - Incidental Expenses	0	0	0	0		
7106- Travel I/S - Meals & Lodging	0	0	0	0		
7107- Travel I/S - Non-Overnight Travel (Meals)	0	0	0	0		
7110- Travel I/S - Board Member Meals & Lodging	0	0	0	0		
7111- Travel OOS - Public Transportation Fares	0	0	0	0		
7112- Travel OOS - Mileage	0	0	0	0		
7115- Travel OOS - Incidental Expenses	0	0	0	0		
7116- Travel OOS - Meals, Lodging Allowable	0	0	0	0		
7135- Travel I/S - State Occupancy Tax	0	0	0	0		
	<b>Budget:</b>	0	0	0	0	0
	Expended:	0	0	0	0	
<b>2005 - Balance Travel:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>#DIV/0!</b>	
	<b>Budget:</b>	525	0	0	525	0
	Expended:	366	0	0	366	
<b>2006 - (7470) Balance Rent - Building (storage):</b>	<b>159</b>	<b>0</b>	<b>0</b>	<b>159</b>	<b>30%</b>	

**Texas Commission on Fire Protection**  
**Fiscal Year 2009 - Operating Budget**

*Thru: May 31, 2009*

**Goal A: Education, Info and Assistance**

	<u>Library</u>	<u>IT</u>	<u>Grants</u>	<u>Total</u>	<u>%</u>
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	247	0	0	247	
7411- Rental - Computer Equipment	206	0	0	206	
<b>Budget:</b>	<b>699</b>	<b>0</b>	<b>0</b>	<b>699</b>	0
Expended:	453	0	0	453	
<b>2007 - Balance Rent - Machine and Other:</b>	<b>246</b>	<b>0</b>	<b>0</b>	<b>246</b>	<b>35%</b>
Other Operating Expense:					
7201- Membership Dues	160	0	0	160	
7203- Registration Fees-Employee Training	0	0	0	0	
7210- Fees & Other Charges (DPS)	0	0	0	0	
7211- Awards	0	0	0	0	
7216- Insurance Premiums - appvd by oag	0	0	0	0	
7262- Maint & Repair - Computer Software	0	0	0	0	
7267- Maint & Repair - Computer Equipment	0	0	0	0	
7273- Reproduction & Printing	31	0	0	31	
7276- Communication Services (T-1 Line)	124	0	0	124	
7281- Advertising Services	0	0	0	0	
7286- Freight & Delivery Services	14	0	0	14	
7291- Postage & Postal Services	431	0	0	431	
7299- Purchased Contracted Services	258	0	0	258	
7303- Subscriptions, Periodicals and Info Services	0	0	0	0	
7312- Medical Supplies	0	0	0	0	
7330- Parts -equip, furn	0	0	0	0	
7334- Furnishings & Equipment -Expensed	0	0	0	0	
7335- Parts -Computer Equipment - Expensed	217	0	0	217	
7354- Bldg Remodel - State Leased -Expensed	0	0	0	0	
7367- Personal Property - Maint & Repair	18	0	0	18	
7374- Personal Property-Furn & Equip - Controlled	0	0	0	0	
7377- Computer Equipment - Expensed	0	0	0	0	
7378- Computer Equipment - Controlled	0	0	0	0	
7379- Computer Equipment - Cap (>1,000)	0	0	0	0	
7380- Computer Software - Expensed	0	0	0	0	
7382- Books - Expensed	0	0	0	0	
7806- Interest on Delayed Payment	0	0	0	0	
7947- Workers Compensation Transfer (SORM)	0	0	0	0	
7953- SWCAP payment/cost allocation	0	0	0	0	
7961- STS Transfers-Telecommunications (TexAn)	38	0	0	38	
<b>Budget:</b>	<b>2,192</b>	<b>0</b>	<b>0</b>	<b>2,192</b>	0
Expended:	1,292	0	0	1,292	
<b>2009 - Balance Other Operating Expense:</b>	<b>900</b>	<b>0</b>	<b>0</b>	<b>900</b>	<b>41%</b>
Grants:					
7312- Medical Supplies	0	0	0	0	
7623- Grants- Community Serv. Programs	0	0	439,882	439,882	
7701- Loans to Political Subdivisions	0	0	48,000	48,000	
<b>Budget:</b>	<b>0</b>	<b>0</b>	<b>987,000</b>	<b>987,000</b>	0
Expended:	0	0	487,882	487,882	
<b>4000 - Balance Grants:</b>	<b>0</b>	<b>0</b>	<b>499,118</b>	<b>499,118</b>	<b>51%</b>
Capital Expenditures:					
7354- Remodeling of Bldg-State Owned - Capitalized	0	0	0	0	
7389- Books, Pre-Recorded Ref Material - Capitalized	2,300	0	0	2,300	
<b>Budget:</b>	<b>716</b>	<b>0</b>	<b>0</b>	<b>716</b>	0
Expended:	2,300	0	0	2,300	
<b>5000 - Balance Capital Expenditures:</b>	<b>(1,584)</b>	<b>0</b>	<b>0</b>	<b>(1,584)</b>	<b>-221%</b>
<b>Budget:</b>	<b>30,709</b>	<b>0</b>	<b>987,000</b>	<b>1,017,709</b>	
Expended:	15,495	1,325	487,882	504,702	
<b>TOTAL BALANCE</b>	<b>15,214</b>	<b>(1,325)</b>	<b>499,118</b>	<b>513,007</b>	<b>50%</b>

**Texas Commission on Fire Protection**  
**Fiscal Year 2009 - Operating Budget**

*Thru: May 31, 2009*

## Goal B: Fire Department Standards

	Mgmt	Complnc	Cert	Testing	Curr Dev	Total	%	
	<b>Budget:</b>	<b>133,240</b>	<b>403,741</b>	<b>189,467</b>	<b>175,157</b>	<b>126,131</b>	<b>1,027,736</b>	0
	Expended:	99,928	302,806	140,751	131,361	84,747	759,593	
<b>1001 - Balance Salaries &amp; Wages:</b>	<b>33,312</b>	<b>100,935</b>	<b>48,716</b>	<b>43,796</b>	<b>41,384</b>	<b>268,143</b>	<b>26%</b>	
Other Personnel Costs:								
7017- One-Time Merit	0	0	0	0	0	0		
7022- Longevity Pay	2,340	6,660	2,520	5,220	960	17,700		
7023- Lump Sum Termination	0	0	0	0	0	0		
	<b>Budget:</b>	<b>3,120</b>	<b>9,040</b>	<b>3,400</b>	<b>6,980</b>	<b>1,560</b>	<b>23,900</b>	-200
	Expended:	2,340	6,660	2,520	5,220	960	17,700	
<b>1002 - Balance Other Personnel Costs</b>	<b>780</b>	<b>2,380</b>	<b>880</b>	<b>1,760</b>	<b>600</b>	<b>6,400</b>	<b>27%</b>	
Professional Fees and Services:								
7245- Financial & Accounting Services	0	0	0	0	0	0		
7253- Other Professional Fees (EAP)	942	0	0	0	0	942		
7274- Temporary Employment Agencies	0	0	0	0	0	0		
7275- Computer Programming Services	0	0	0	0	0	0		
	<b>Budget:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	0
	Expended:	942	0	0	0	0	942	
<b>2001 - Balance Professional Fees and Services</b>	<b>(942)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(942)</b>	<b>#DIV/0!</b>	
	<b>Budget:</b>	<b>500</b>	<b>2,500</b>	<b>2,000</b>	<b>3,000</b>	<b>1,000</b>	<b>9,000</b>	0
	Expended:	2,474	274	190	2,938	0	5,876	
<b>2003 - (7300) Balance Consumable Supplies:</b>	<b>(1,974)</b>	<b>2,226</b>	<b>1,810</b>	<b>62</b>	<b>1,000</b>	<b>3,124</b>	<b>35%</b>	
Utilities:								
7501- Electricity	560	0	0	0	0	560		
7503- Telecommunications-Long Distance	0	0	0	0	0	0		
7504- Telecommunications-Monthly Charge	3,750	2,841	0	0	0	6,591		
7514- Telecommunications-Maint & Repair	0	0	0	0	0	0		
7516- Telecommunications-Other Charges (reg voice/inte)	0	6,626	0	0	0	6,626		
7517- Telecommunications Equipment-Expensed	0	0	0	0	0	0		
	<b>Budget:</b>	<b>16,861</b>	<b>4,700</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>21,561</b>	0
	Expended:	4,310	9,468	0	0	0	13,778	
<b>2004 - Balance Utilities:</b>	<b>12,551</b>	<b>(4,768)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,783</b>	<b>36%</b>	
Travel:								
7101- Travel I/S - Public Transportation Fares	0	1,795	0	3,491	103	5,388		
7102- Mileage	0	9,885	212	242	231	10,569		
7104- Travel I/S - Actual Expense Overnight	0	0	0	0	0	0		
7105- Travel I/S - Incidental Expenses	0	1,484	15	843	88	2,430		
7106- Travel I/S - Meals & Lodging	0	11,569	234	3,451	569	15,822		
7107- Travel I/S - Non-Overnight Travel (Meals)	0	347	0	22	12	381		
7110- Travel I/S - Board Member Meals & Lodging	0	0	0	0	0	0		
7111- Travel OOS - Public Transportation Fares	0	0	0	218	0	218		
7112- Travel OOS - Mileage	0	0	0	0	0	0		
7115- Travel OOS - Incidental Expenses	0	0	0	2	0	2		
7116- Travel OOS - Meals, Lodging Allowable	0	0	0	195	0	195		
7135- Travel I/S - State Occupancy Tax	0	179	0	24	0	203		
	<b>Budget:</b>	<b>0</b>	<b>60,264</b>	<b>500</b>	<b>23,000</b>	<b>500</b>	<b>84,264</b>	0
	Expended:	0	25,260	461	8,487	1,002	35,209	
<b>2005 - Balance Travel:</b>	<b>0</b>	<b>35,005</b>	<b>39</b>	<b>14,513</b>	<b>(502)</b>	<b>49,055</b>	<b>58%</b>	
	<b>Budget:</b>	<b>2,314</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,314</b>	0
	Expended:	0	0	0	0	0	0	
<b>2006 - (7470) Balance Rent - Building (storage):</b>	<b>2,314</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,314</b>	<b>100%</b>	

## Texas Commission on Fire Protection

### Fiscal Year 2009 - Operating Budget

Thru: May 31, 2009

## Goal B: Fire Department Standards

	Mgmt	Complnc	Cert	Testing	Curr Dev	Total	%
Rent - Machine and Other:							
7406- Rental - Furnishings & Equipment (copier)	5,135	0	0	0	0	5,135	
7411- Rental - Computer Equipment	4,384	0	0	0	0	4,384	
<b>Budget:</b>	<b>14,668</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,668</b>	0
Expended:	9,519	0	0	0	0	9,519	
<b>2007 - Balance Rent - Machine and Other:</b>	<b>5,149</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,149</b>	<b>35%</b>
Other Operating Expense:							
7201- Membership Dues	25	25	0	0	0	50	
7203- Registration Fees-Employee Training	75	0	0	0	150	225	
7210- Fees & Other Charges (DPS)	0	0	905	0	0	905	
7211- Awards	0	0	0	0	0	0	
7216- Insurance Premiums - appvd by oag	0	225	0	0	0	225	
7262- Maint & Repair - Computer Software	0	0	0	0	0	0	
7267- Maint & Repair - Computer Equipment	0	0	0	724	0	724	
7273- Reproduction & Printing	653	0	2,893	820	0	4,366	
7276- Communication Services (T-1 Line)	2,800	0	0	0	0	2,800	
7281- Advertising Services	0	0	0	0	0	0	
7286- Freight & Delivery Services	294	0	0	2,677	0	2,971	
7291- Postage & Postal Services	9,052	98	0	0	0	9,150	
7299- Purchased Contracted Services	152	0	0	0	0	152	
7303- Subscriptions, Periodicals and Info Services	0	0	0	0	0	0	
7312- Medical Supplies	0	0	0	0	0	0	
7330- Parts -equip, furn	0	0	0	0	0	0	
7334- Furnishings & Equipment -Expensed	0	0	0	0	-150	-150	
7335- Parts -Computer Equipment - Expensed	0	0	0	0	0	0	
7354- Bldg Remodel - State Leased -Expensed	0	0	0	0	0	0	
7367- Personal Property - Maint & Repair	0	0	0	0	0	0	
7374- Personal Property-Furn & Equip - Controlled	0	0	0	0	165	165	
7377- Computer Equipment - Expensed	0	0	0	0	0	0	
7378- Computer Equipment - Controlled	0	0	0	0	0	0	
7379- Computer Equipment - Cap (>1,000)	0	0	0	0	0	0	
7380- Computer Software - Expensed	0	0	0	0	0	0	
7382- Books - Expensed	0	0	0	0	0	0	
7806- Interest on Delayed Payment	0	0	0	0	0	0	
7947- Workers Compensation Transfer (SORM)	0	0	0	0	0	0	
7953- SWCAP payment/cost allocation	0	0	0	0	0	0	
7961- STS Transfers-Telecommunications (TexAn)	789	0	0	0	0	789	
<b>Budget:</b>	<b>19,669</b>	<b>7,000</b>	<b>4,000</b>	<b>4,000</b>	<b>1,000</b>	<b>37,138</b>	1,469
Expended:	13,841	348	3,798	4,220	165	22,372	
<b>2009 - Balance Other Operating Expense:</b>	<b>5,828</b>	<b>6,652</b>	<b>202</b>	<b>(220)</b>	<b>835</b>	<b>13,297</b>	<b>36%</b>
Capital Expenditures:							
7312- Medical Supplies	0	0	0	0	0	0	
7354- Remodeling of Bldg-State Owned - Capitalized	152	0	0	0	0	152	
7389- Books, Pre-Recorded Ref Material - Capitalized	0	0	0	0	0	0	
<b>Budget:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	0
Expended:	152	0	0	0	0	152	
<b>5000 - Balance Capital Expenditures:</b>	<b>(152)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(152)</b>	<b>#DIV/0!</b>
<b>Budget:</b>	<b>190,372</b>	<b>487,245</b>	<b>199,367</b>	<b>212,137</b>	<b>130,191</b>	<b>1,219,312</b>	0
Expended:	133,506	344,816	147,719	152,226	86,873	865,140	
<b>TOTAL BALANCE</b>	<b>56,866</b>	<b>142,429</b>	<b>51,648</b>	<b>59,911</b>	<b>43,318</b>	<b>354,172</b>	<b>29%</b>

Current Costs for Performance Measures: salaries, travel, consumables:

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total
4006 - Certification	48,228	47,746	47,947	0	143,921
4007 - Testing	49,141	50,574	48,290	0	148,005

**Texas Commission on Fire Protection**  
**Fiscal Year 2009 - Operating Budget**

*Thru: May 31, 2009*

## Goal C: Indirect Administration

	Exec Office	Supp Svcs	Commis	Total	%	
	<b>Budget:</b>	<b>335,841</b>	<b>303,651</b>	<b>0</b>	<b>605,787</b>	-33,705
	Expended:	251,882	194,204	0	446,086	
<b>1001 - Balance Salaries &amp; Wages:</b>	<b>83,959</b>	<b>109,447</b>	<b>0</b>	<b>159,701</b>	<b>26%</b>	
Other Personnel Costs:						
7017- One-Time Merit	0	0	0	0		
7022- Longevity Pay	3,180	5,457	0	8,637		
7023- Lump Sum Termination	0	0	0	0		
	<b>Budget:</b>	<b>4,260</b>	<b>7,820</b>	<b>0</b>	<b>11,760</b>	-320
	Expended:	3,180	5,457	0	8,637	
<b>1002 - Balance Other Personnel Costs</b>	<b>1,080</b>	<b>2,363</b>	<b>0</b>	<b>3,123</b>	<b>27%</b>	
Professional Fees and Services:						
7245- Financial & Accounting Services	0	1,243	0	1,243		
7253- Other Professional Fees (EAP)	0	494	0	494		
7274- Temporary Employment Agencies	0	0	0	0		
7275- Computer Programming Services	0	0	0	0		
	<b>Budget:</b>	<b>0</b>	<b>550</b>	<b>0</b>	<b>550</b>	0
	Expended:	0	1,737	0	1,737	
<b>2001 - Balance Professional Fees and Services:</b>	<b>0</b>	<b>(1,187)</b>	<b>0</b>	<b>(1,187)</b>	<b>-216%</b>	
	<b>Budget:</b>	<b>500</b>	<b>1577</b>	<b>0</b>	<b>9,412</b>	7,335
	Expended:	31	1,455	0	1,486	
<b>2003 - (7300) Balance Consumable Supplies:</b>	<b>469</b>	<b>122</b>	<b>0</b>	<b>591</b>	<b>6%</b>	
Utilities:						
7501- Electricity	0	0	0	0		
7503- Telecommunications-Long Distance	0	0	0	0		
7504- Telecommunications-Monthly Charge	0	2,258	0	2,258		
7514- Telecommunications-Maint & Repair	0	0	0	0		
7516- Telecommunications-Other Charges (reg voice/internet)	0	0	0	0		
7517- Telecommunications equipment - Expensed	0	0	0	0		
	<b>Budget:</b>	<b>0</b>	<b>3800</b>	<b>0</b>	<b>3,800</b>	0
	Expended:	0	2,258	0	2,258	
<b>2004 - Balance Utilities:</b>	<b>0</b>	<b>1,542</b>	<b>0</b>	<b>1,542</b>	<b>41%</b>	
Travel:						
7101- Travel I/S - Public Transportation Fares	0	0	2,659	2,659		
7102- Mileage	0	352	4,475	4,826		
7104- Travel I/S - Actual Expense Overnight	0	0	0	0		
7105- Travel I/S - Incidental Expenses	0	0	733	733		
7106- Travel I/S - Meals & Lodging	0	0	0	0		
7107- Travel I/S - Non-Overnight Travel (Meals)	82	0	0	82		
7110- Travel I/S - Board Member Meals & Lodging	0	0	4,200	4,200		
7111- Travel OOS - Public Transportation Fares	0	0	0	0		
7112- Travel OOS - Mileage	0	0	0	0		
7115- Travel OOS - Incidental Expenses	0	0	0	0		
7116- Travel OOS - Meals, Lodging Allowable	0	0	85	85		
7135- Travel I/S - State Occupancy Tax	0	0	25	25		
	<b>Budget:</b>	<b>0</b>	<b>500</b>	<b>15,397</b>	<b>15,897</b>	0
	Expended:	82	352	12,176	12,609	
<b>2005 - Balance Travel:</b>	<b>(82)</b>	<b>148</b>	<b>3,221</b>	<b>3,288</b>	<b>21%</b>	
	<b>Budget:</b>	<b>0</b>	<b>828</b>	<b>0</b>	<b>828</b>	0
	Expended:	180	659	0	839	
<b>2006 - (7470) Balance Rent - Building (storage):</b>	<b>(180)</b>	<b>169</b>	<b>0</b>	<b>(11)</b>	<b>-1%</b>	

**Texas Commission on Fire Protection**  
**Fiscal Year 2009 - Operating Budget**

*Thru: May 31, 2009*

**Goal C: Indirect Administration**

	<u>Exec Office</u>	<u>Supp Svcs</u>	<u>Commis</u>	<u>Total</u>	<u>%</u>
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	0	2,688	0	2,688	
7411- Rental - Computer Equipment	0	2,295	0	2,295	
<b>Budget:</b>	<b>0</b>	<b>7,683</b>	<b>0</b>	<b>7,683</b>	0
Expended:	0	4,983	0	4,983	
<b>2007 - Balance Rent - Machine and Other:</b>	<b>0</b>	<b>2,700</b>	<b>0</b>	<b>2,700</b>	<b>35%</b>
Other Operating Expense:					
7201- Membership Dues	0	50	0	50	
7203- Registration Fees-Employee Training	35	195	0	230	
7210- Fees & Other Charges (DPS)	0	186	0	186	
7211- Awards	239	0	0	239	
7216- Insurance Premiums - appvd by oag	0	0	0	0	
7262- Maint & Repair - Computer Software	0	0	0	0	
7267- Maint & Repair - Computer Equipment	0	0	0	0	
7273- Reproduction & Printing	66	17	0	83	
7276- Communication Services (T-1 Line)	1,850	1,209	0	3,059	
7281- Advertising Services	0	0	0	0	
7286- Freight & Delivery Services	4	158	0	162	
7291- Postage & Postal Services	22	4,730	0	4,752	
7299- Purchased Contracted Services	0	80	0	80	
7303- Subscriptions, Periodicals and Info Services	0	0	0	0	
7312- Medical Supplies	0	0	0	0	
7330- Parts -equip, furn	0	0	0	0	
7334- Furnishings & Equipment -Expensed	0	0	0	0	
7335- Parts -Computer Equipment - Expensed	0	0	0	0	
7354- Bldg Remodel - State Leased -Expensed	0	0	0	0	
7367- Personal Property - Maint & Repair	0	0	0	0	
7374- Personal Property-Furn & Equip - Controlled	0	0	0	0	
7377- Computer Equipment - Expensed	0	0	0	0	
7378- Computer Equipment - Controlled	0	0	0	0	
7379- Computer Equipment - Cap (>1,000)	0	0	0	0	
7380- Computer Software - Expensed	1,982	0	0	1,982	
7382- Books - Expensed	0	0	0	0	
7806- Interest on Delayed Payment	0	0	0	0	
7947- Workers Compensation Transfer (SORM)	0	2,734	0	2,734	
7953- SWCAP payment/cost allocation	0	936	0	936	
7961- STS Transfers-Telecommunications (TexAn)	0	414	0	414	
<b>Budget:</b>	<b>2,000</b>	<b>22,223</b>	<b>0</b>	<b>25,629</b>	1,406
Expended:	4,198	10,709	0	14,907	
<b>2009 - Balance Other Operating Expense:</b>	<b>(2,198)</b>	<b>11,514</b>	<b>0</b>	<b>9,316</b>	<b>36%</b>
Capital Expenditures:					
7312- Medical Supplies	0	0	0	0	
7354- Remodeling of Bldg-State Owned - Capitalized	0	80	0	80	
7389- Books, Pre-Recorded Ref Material - Capitalized	0	0	0	0	
<b>Budget:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	0
Expended:	0	80	0	80	
<b>5000 - Balance Capital Expenditures:</b>	<b>0</b>	<b>(80)</b>	<b>0</b>	<b>(80)</b>	<b>#DIV/0!</b>
<b>Budget:</b>	<b>342,601</b>	<b>348,632</b>	<b>15,397</b>	<b>706,630</b>	0
Expended:	259,553	221,895	12,176	493,623	
<b>TOTAL - BALANCE</b>	<b>83,048</b>	<b>126,737</b>	<b>3,221</b>	<b>213,007</b>	<b>30%</b>

# TEXAS COMMISSION ON FIRE PROTECTION

## FY10 BUDGET UPDATE, 7/1/09

### FY10 - Method of Finance:

	Info	Stds	Admin	
# FTEs (as of: GAA)	1 13008	27 13014	13 13800	TOTALS
Regular Appropriation (from GAA)	72,948	1,451,357	821,863	2,346,168
INTERNAL Budget Transfers	0	0	0	
Sunset Contingency Rider		98,571		
Appro. Receipts (IFSAC Seals)		35,000		35,000 (\$55,000 in FY09)
<b>Total Funding:</b>				<b>\$2,381,168</b>
<b>FY09 Strategy Budget:</b>	<b>\$72,948</b>	<b>\$1,584,928</b>	<b>\$821,863</b>	<b>\$2,479,739</b>
Funding Program				1,000,000 **
<b>TOTAL:</b>				<b>\$3,479,739</b>

41 \* 8 FTE increase from FY09

### Object of Expense:

Salaries	47,160	1,232,912	744,189	2,024,261	(at full capacity 9/1/09)
Other Personnel Costs	760	50,750	25,800	77,310	(\$20,000 for merits)
Professional Fees and Services	0	0	7,000	7,000	
Consumable Supplies	380	10,280	4,940	15,600	
Utilites	623	16,821	8,100	25,544	
Travel	0	80,000	20,000	100,000	
Rent-Building	140	10,053	1,807	12,000	
Rent-Machine and Other	795	22,470	10,335	33,600	
Other Operating Expense	1,728	46,661	22,464	70,853	
Grants**	0	0	0	1,000,000 **	
Capital Expenditures	15,000	0	0	15,000	
Fingerprint-based Criminal History Checks	0	98,571	0	98,571 *	
<b>TOTAL:</b>				<b>\$3,479,739</b>	

### Contingency Riders for Raising Fees:

* 1 FTE contingent on fingerprint-based criminal history checks \$43x1,500 in <b>FY10</b> ; \$43x2,300 in FY11; + \$36,000 FTE				\$98,571
* 7 FTEs contingent on raising certification fees				\$428,603
				<b>\$527,174</b>

\*\* Grants Must Transfer to Texas Forest Service by 1/1/10

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees	\$ 3,346,168	\$ 3,287,668
Appropriated Receipts	<u>35,000</u>	<u>35,000</u>
<b>Total, Method of Financing</b>	<b><u>\$ 3,381,168</u></b>	<b><u>\$ 3,322,668</u></b>

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

**Number of Full-Time-Equivalents (FTE):** 40.0 40.0

**Schedule of Exempt Positions:**

Executive Director, Group 3 \$92,600 \$92,600

**Items of Appropriation:**

**A. Goal: EDUCATION & ASSISTANCE**

Provide Fire-related Information and Resources.

**A.1.1. Strategy: FIRE SAFETY INFO & EDUC PROGRAMS**

Fire Safety Information & Educational Programs.

\$ 72,948 \$ 72,948

**A.2.1. Strategy: ADMINISTER GRANT PROGRAM**

Administer Grant/Loan Program.

\$ 1,000,000 \$ 1,000,000

**Total, Goal A: EDUCATION & ASSISTANCE**

\$ 1,072,948 \$ 1,072,948

**B. Goal: FIRE DEPARTMENT STANDARDS**

Enforce Fire Department Standards.

**B.1.1. Strategy: CERTIFY & REGULATE FIRE SERVICE**

Certify and Regulate Fire Departments and Personnel.

\$ 1,486,357 \$ 1,448,257

**C. Goal: INDIRECT ADMINISTRATION**

**C.1.1. Strategy: INDIRECT ADMINISTRATION**

\$ 821,863 \$ 801,463

**Grand Total, COMMISSION ON FIRE PROTECTION**

\$ 3,381,168 \$ 3,322,668

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 1,991,211	\$ 1,991,211
Other Personnel Costs	65,360	52,360
Professional Fees and Services	7,000	7,000
Consumable Supplies	15,600	15,600
Utilities	25,544	25,544
Travel	125,000	125,000
Rent - Building	12,000	12,000
Rent - Machine and Other	32,600	32,600
Other Operating Expense	91,853	46,353
Grants	1,000,000	1,000,000
Capital Expenditures	<u>15,000</u>	<u>15,000</u>

**Total, Object-of-Expense Informational Listing**

\$ 3,381,168 \$ 3,322,668

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 106,255	\$ 107,849
Group Insurance	384,953	422,229
Social Security	129,062	130,998
Benefits Replacement	<u>8,167</u>	<u>7,758</u>

Subtotal, Employee Benefits

\$ 628,437 \$ 668,834

Debt Service

Lease Payments	\$ 9,207	\$ 6,000
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**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act**

\$ 637,644 \$ 674,834

1. **Performance Measure Targets.** The following is a listing of the key performance target levels for the Commission on Fire Protection. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Commission on Fire Protection. In order to achieve the objectives and service standards established by this Act, the Commission on Fire Protection shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: EDUCATION &amp; ASSISTANCE</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Total Amount Requested for Loans/Grants Compared with Requests Awarded	36%	36%
<b>B. Goal: FIRE DEPARTMENT STANDARDS</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Inspected Fire Certificate Holders with No Recent Violations	95%	95%
<b>B.1.1. Strategy: CERTIFY &amp; REGULATE FIRE SERVICE</b>		
<b>Explanatory:</b>		
Number of Fire Service Personnel Certified	26,750	26,750

2. **Training Restriction.** None of the funds appropriated above may be expended for fire protection or fire management training except through contract with Texas Commission on Fire Protection approved training programs external to the commission in order to avoid duplication of service.
3. **Appropriation of Receipts - Loan Repayments Revolving Fund.** In addition to the amounts appropriated above, the Texas Commission on Fire Protection is hereby appropriated all loan repayments, loan forfeitures, and other revenue accruing to the revolving loan fund in excess of \$229,000 for fiscal year 2010 and in excess of \$229,000 for fiscal year 2011 for the purpose of making additional loans as established in Government Code, Chapter 419, Subchapter C (estimated to be \$0). The unexpended balance in Strategy A.2.1, Administer Grant Program, and of collections in excess of \$229,000 in the revolving loan fund at the end of fiscal year 2010 is hereby appropriated for fiscal year 2011 for the same purpose.
4. **Grants and Loan Program.** Funds appropriated above in Strategy A.2.1, Administer Grant Program, shall be used solely for grants and loans to fire departments per Government Code § 419.053. Funds shall not be transferred out of this strategy and any funds not used for grants and loans shall lapse at the end of the biennium.
5. **Sunset Contingency.** Funds appropriated above for fiscal year 2011 for the Commission on Fire Protection are made contingent on the continuation of the Commission on Fire Protection by the Eighty-first Legislature. In the event that the agency is not continued, the funds appropriated for fiscal year 2010 or as much thereof as may be necessary are to be used to provide for the phase out of agency operations.
6. **Contingency for Fire Fighter Certification Fees.** Included in the amounts appropriated above in Strategy B.1.1, Certify and Regulate Fire Service, and Strategy C.1.1, Indirect Administration, is \$366,500 in fiscal year 2010 and \$321,000 in fiscal year 2011 out of the General Revenue Fund (Fund 8042 - Insurance Companies Maintenance Tax and Insurance Department Fees) for the purpose of certifying and regulating the fire service. These appropriations are contingent upon the Commission on Fire Protection increasing revenues from certification fees, pursuant to Government Code, Chapter 419, by \$857,206 and providing such information deemed necessary by the Comptroller of Public Accounts to issue a finding of fact that the increased revenues are estimated to be available in excess of the Comptroller's Biennial Revenue Estimate, including supplemental estimates used in certifying this Act, to fund the increased appropriations and benefits. Also contingent on the finding of fact, the "Number of Full-time-equivalents (FTE)" indicated above includes 7 FTEs in fiscal year 2010, and 7 FTEs in fiscal year 2011.

- 4. Reports from the Budget and Strategic Plan subcommittees with discussion and possible action relating to any recommendations developed by these subcommittees.**

5. **Reports from fire service interest groups and agencies on matters relating to organizational purposes, functions, and objectives, including, but not limited to, the Texas Fire Chiefs Association, the Texas State Association of Fire Fighters, the State Firemen's and Fire Marshals' Association of Texas, the Texas Association of Fire Educators, the Texas Forest Service, the National Fire Protection Association, and the State Fire Marshal's Office.**

6. **Discussion and possible action concerning reports by the Commission representative to the Texas Fire School Advisory Board and by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).**

- 7. New matters from the commission, staff, or public regarding rulemaking which may be discussed in future Commission meetings.**

**8. Discussion and possible action on future meeting dates.**

9. **Discussion and possible action on House Bill 2854 per request from Mike Higgins, Texas State Association of Fire Fighters (TSAFF).**

Bill Number: TX81RHB 2854

Date: 06-03-2009

ENROLLED

1 AN ACT

2 relating to license plates created by the Texas Department of  
3 Transportation for professional firefighters.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter E, Chapter 504, Transportation Code,  
6 is amended by adding Section 504.414 to read as follows:

7 Sec. 504.414. PROFESSIONAL FIREFIGHTER PLATES. (a) The  
8 professional firefighter plate may be issued to qualified  
9 firefighters. The sponsor of the plate may nominate a state agency  
10 for receipt of funds under Section 504.801(e)(2)(A).

11 (b) After deduction of the department's administrative  
12 costs in accordance with Section 504.801, the remainder of the fees  
13 from the sale of professional firefighter plates shall be deposited  
14 to the credit of an account in the state treasury to be used by the  
15 nominated state agency for the purpose of making grants to support  
16 the activities of an organization of professional firefighters  
17 located in this state that provides emergency relief and college  
18 scholarship funds to the professional firefighters and their  
19 dependents.

20 SECTION 2. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2009.

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 President of the Senate

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 Speaker of the House

Speaker of the House e

I certify that H.B. No. 2854 was passed by the House on May 5,  
2009, by the following vote: Yeas 144, Nays 0, 1 present, not

voting; that the House refused to concur in Senate amendments to H.B. No. 2854 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2854 on May 31, 2009, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2854 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2854 on June 1, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor

**10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 1. Proposed amendments to 37 TAC Chapter 421, Standards for Certification, including, but not limited to §421.5 and §421.17.**

# CHAPTER 421

## STANDARDS FOR CERTIFICATION

### §421.5. DEFINITIONS

The following words and terms, when used in this standards manual, shall have the following meanings, unless the context clearly indicates otherwise.

(1)-(42) No Change.

(43) Years of experience--For purposes of higher levels of certification or fire service instructor certification:

(A) Except as provided in subparagraph (B) of this paragraph, years of experience is defined as full years of full-time, part-time or volunteer fire service while holding:

(i)-(iii) No change.

(iv) for fire service instructor eligibility only, a State Firemen's and Fire Marshals' Association Level II Instructor Certification **received prior to June 1, 2008 or Instructor I received on or after June 1, 2008** or an equivalent instructor certification from the Texas Department of State Health Services (DSHS) or the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). Documentation of at least three years of experience as a volunteer in the fire service shall be in the form of a non self-serving sworn affidavit.

### §421.17. Requirement to Maintain Certification.

(a)-(b) No change.

**(c) An individual whose certificate has been expired for one year or longer may not renew the certificate that was previously held. To obtain a new certification, an individual must meet the requirements in Chapter 439 of this title (relating to Examinations for Certification).**

~~(d)~~[(e)] The commission will provide proof of current certification to individuals whose certification has been renewed.

**10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

- A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**
  - 2. Proposed amendments to 37 TAC Chapter 427 Training Facility Certification including, but not limited to §§427.201, 427.303 and 427.305.**

## Chapter 427

### TRAINING FACILITY CERTIFICATION

#### SUBCHAPTER B

##### DISTANCE TRAINING PROVIDERS

#### §427.201. Minimum Standards for Distance Training Provider.

(a)-(b) No change.

(b) A distance training provider must seek certification as a training facility in each discipline it intends to instruct.

(c) In order to become a commission-approved distance training provider; the provider must submit a completed commission training facility application with supporting documentation and ~~fees~~[fee]. Such application will include descriptions and addresses of where the distance training provider will have their course delivery and materials. A distance training provider must provide documentation of its ability to meet all minimum requirements for each discipline for which it seeks certification. The documentation must also identify how students and instructors will access resources as identified in the curriculum.

**(d)[(e)]A distance training provider that applies for certification as a training facility in a discipline that includes skills training shall comply with Subchapter A of this chapter concerning minimum standards, facilities, apparatus, protective clothing, equipment, and live fire training utilized to teach and test the required skills.**

~~(d) All training for certification must be submitted to the commission for approval at least 20 days prior to the proposed starting date of the training. Approved courses are subject to audit by commission staff any time during the approved schedule. Any deviation in the approved course schedule or content must be reported to the commission within three business days of the deviation. The academy coordinator will:~~

~~(1) — attest to the fact that the training meets the competencies in the applicable Commission Curriculum and/or NFPA Standards;~~

~~(2) — submit a testing schedule for all academy periodic, final, or skills examinations as required in §427.305 of this title; and~~

~~(3) — notify the Commission of any changes in instructor staff and/or field examiners.~~

**(e)[(f)]** A distance training provider certified for the first time by the commission will receive, at no charge, one Commission Certification Curriculum and Standards Manual on CD to be utilized by the certified distance training provider's instructors. The distance training provider is responsible for ensuring that all subjects are taught as required by the curricula. Additional CD copies may be purchased from the commission or downloaded from the agency web site. Distance training providers that renew their certification will receive appropriate updates at no charge.

#### SUBCHAPTER C

##### TRAINING PROGRAMS FOR ON-SITE AND DISTANCE TRAINING PROVIDERS

#### §427.303. Training Approval Process for On-Site and Distance Training Providers.

(a)-(c) No change.

(d) Approved courses are subject to audit by commission staff at any time during the approved schedule. Any deviation in the approved course schedule, content, field examiners, or the substitution of one instructor for another (**this does**

~~not apply to~~ the addition of an instructor to the roster of instructors already approved **for the course** by the commission) must be reported to the commission within three business days of the deviation.

**§427.305. Procedures for Testing Conducted by On-Site and Distance Training Providers.**

(a)-(c) No change.

(d) If performance skill evaluations are part of the applicable curriculum, performance testing ~~shall be done and~~ records **shall be** kept in accordance with §427.301 of this title. This will ensure that each trainee has demonstrated an ability to competently and carefully perform all tasks and operations associated with the training, both individually and as a member of a team.

(e) **During the course of instruction, the provider of training shall test for competency all performance skills listed in the applicable curriculum. This applies only for curricula in which performance standards have been developed. Skill evaluations may take place at any time during the academy but must take place after all training on the identified subject area has been completed. The number of opportunities to successfully complete particular performance skill objectives evaluated during an academy is at the discretion of the designated training officer. Retests must be conducted prior to the administration of the Commission designated performance evaluations. All skills must be demonstrated in the presence of a Commission-approved field examiner.** ~~Performance testing should be used to the maximum extent practical. The performance skills contained in the applicable curriculum shall be used to satisfy performance skills requirements. Each trainee shall be prepared to demonstrate any performance skill in the presence of a commission representative as required in Chapter 439 of this title.~~

**10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 3. Proposed amendments to 37 TAC, Chapter 433, Minimum Standards for Driver/Operator-Pumper including, but not limited to §433.5.**

## Chapter 433

### MINIMUM STANDARDS FOR DRIVER/OPERATOR-PUMPER

#### §433.5. Examination Requirements.

- (a) ~~The written~~ Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive driver/operator-pumper certification.
- (b) Individuals will be permitted to take the Commission examination for driver/operator-pumper by documenting unless the individual documents, as a minimum, completion of the NFPA 1001 Fire Fighter I training, and completing a Commission-approved driver/operator-pumper curriculum. Performance skills must meet the requirements in Chapter 439.**
- ~~[(c) No individual will be permitted to take the commission examination for driver/operator-pumper unless the individual documents, as a minimum, completion of the NFPA 1001 Fire Fighter I training.]~~

**10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 4. Proposed amendments to 37 TAC Chapter 437, Fees including, but not limited to §§437.3, 437.5 and 437.13.**

## CHAPTER 437

### FEES

#### §437.3. Certification Fees.

(a) A **\$35.00** [~~\$20~~] non-refundable application fee is required for each certificate issued by the **Commission**[commission]. If a certificate is issued within the time provided in §401.125 of this title (relating to Processing Periods), the fee will be applied to certification. If the certificate is denied the applicant must pay a new certification application fee to file a new application.

#### §437.5. Renewal Fees.

(a) A **\$35.00** [~~\$25~~] non-refundable annual renewal fee shall be assessed for each certified individual and certified training facility. If an individual or certified training facility holds more than one certificate, the **Commission**[commission] may collect only one **\$35.00** [~~\$25~~] renewal fee which will renew all certificates held by the individual or certified training facility.

(l) All certification renewal fees received from one to 30 days after the renewal date posted on the renewal notice will cause the individual or entity responsible for payment to be assessed a non-refundable **\$17.50** [~~\$10~~] late fee in addition to the renewal fee for each individual for which a renewal fee was due.

(m) All certification renewal fees received more than 30 days after the renewal date posted on the renewal notice will cause the individual or entity responsible for payment to be assessed a non-refundable **\$35.00** [~~\$20~~] late fee in addition to the renewal fee for each individual for which a renewal fee was due.

(p) An individual, upon returning from activation to military service, whose certification has expired, must notify the **Commission**[commission] in writing. The individual will have any normally associated late fees waived and will be required to pay a **\$35.00** [~~\$25~~] renewal fee.

#### §437.13. Processing Fees for Test Application, Basic Certification Examination Fees.

(a) A non-refundable **application** processing fee of **\$35.00** [~~\$15~~] shall be charged for each [~~written or performance skill~~] examination[~~administered by the Commission~~].

(b) [~~Academy testing~~] Fees will be paid in advance with the [~~students'~~] application **or the provider of training may be invoiced or billed if previous arrangements have been made with the Commission.** [~~to test or be billed after the state testing has been completed. The exceptions to this rule are:-~~]

[(1) — individual walk-ins; and]

[(2) — retesting of a failed skill administered the same day.]

**10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 5. Proposed amendments to 37 TAC, Chapter 439, Examinations for Certification including, but not limited to §§439.1, 439.3, 439.5, 439.7, 439.9, 439.11, 439.13, 439.15, 439.17, 439.19, 439.203, and 439.205.**

**CHAPTER 439**  
**EXAMINATIONS FOR CERTIFICATION**  
**SUBCHAPTER A**  
**EXAMINATIONS FOR ON-SITE DELIVERY TRAINING**

**§439.1. Requirements – General.**

- (a) No change.
- (b) Exams will be based on curricula as currently adopted in the commission's Certification Curriculum Manual. ~~The state test can consist of only a written test or it can consist of a test that contains both a written portion and a performance skills portion. If the training program is conducted in the phase format, the examination will be based on the curriculum in effect at the time of the examination.~~
- (c) ~~If performance skills are required as part of a certification examination, the entity applying for the certification examination shall be responsible for providing the required number of approved field examiners. The number of field examiners shall be determined by the commission.~~

**(cd)** Commission examinations that receive a passing grade shall expire two years from the date of the examination.

**(de)** The commission shall prescribe the content of any certification examination that tests the knowledge and/or skill of the examinee concerning the discipline addressed by the examination.

(1)-(4) No change.

**(ef)** ~~The~~**An** individual who fails to pass a commission ~~written~~ examination for state certification will be given one additional opportunity to pass the examination or section thereof. This opportunity must be exercised within 180 days after the date of the first failure. An individual who passes the applicable state certification examination but fails to pass a section thereof for an IFSAC seal(s) will be given one additional opportunity to pass the section thereof. This opportunity must be exercised within two years after the date of the first attempt. An examinee who fails to pass the examination within the required time may not sit for the same examination again until the examinee has re-qualified by repeating the curriculum applicable to that examination.

**(g)** ~~An examinee who fails a state performance skill evaluation may be allowed a retest at a time and place to be determined by the lead examiner. If the candidate fails the retest, remedial training conducted by a certified instructor who is approved to teach in that specific subject area is required for a second retest. Remedial training must be of a duration no less than the recommended curriculum instructional hours for the section in which the failed skill(s) is reflected. An examinee being retested on a performance skill must be retested on any skill, randomly selected by the lead examiner, from the same subject area as the performance skill objective that was failed. If the examinee fails the final retest as part of a state performance skill evaluation, the examinee must requalify by repeating the entire curriculum applicable to the examination.~~

**(f)** **An individual may obtain a new certificate in a discipline which was previously held by passing a Commission proficiency examination.**

**(g)** **If an individual who has never held certification in a discipline defined in §421.5 of this title, seeks certification in that discipline, the individual shall complete all certification requirements.**

**(h)** **If an individual completes an approved training program that has been evaluated and deemed equivalent**

**to a certification curriculum approved by the Commission, such as an out-of-state or military training program or a training program administered by the State Firemen's and Fire Marshals' Association of Texas, the individual must pass a Commission examination for certification status and meet any other certification requirements in order to become eligible for certification by the Commission as fire protection personnel.**

**(i) An individual or entity may petition the Commission for a waiver of the examination required by this section if the person's certificate expired because of the individual's or employing entity's good faith clerical error, or expired as a result of termination of the person's employment where the person has been restored to employment through a disciplinary procedure or a court action. All required renewal fees including applicable late fees and all required continuing education must be submitted before the waiver request may be considered.**

**(1) Applicants claiming good faith clerical error must submit a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with Commission renewal requirements and that failure to comply was due to circumstances beyond the control of the applicant.**

**(2) Applicants claiming restoration to employment as a result of a disciplinary or court action must submit a certified copy of the order, ruling or agreement restoring the applicant to employment.**

### **§439.3. Definitions.**

The following words and terms, when used in this chapter, have the following definitions unless the context clearly indicates otherwise.

(1)-(4) No change.

(5) Endorsement of eligibility - A signed statement testifying to the fact that an individual has met all requirements specified by the commission and is qualified to take a commission examination. An endorsement of eligibility will be issued ~~when appropriate~~, by a member of the commission staff.

(6) Examination - A state test ~~administered by the commission~~ which an examinee must pass as one of the requirements for certification.

(7) No change.

(8) Field examiner - An individual authorized to evaluate performance skills in commission-approved curricula. The field examiner must possess a Fire Instructor Certification, complete the on-line commission field examiner course, and sign an agreement to comply with the commission's testing procedures. The field examiner must be approved by the commission to instruct all subject areas identified in the curriculum that he or she will be evaluating. ~~The field examiner will work under the supervision of a lead examiner during a Commission-administered examination.~~ The field examiner must repeat the examiner course every two years and submit a new Letter of Intent.

(9)-(10) No change.

### **§439.5. Procedures.**

(a) Procedures for conducting ~~written and/or performance~~ examinations are determined by the commission.

(b) ~~As part of the training approval process, the designated training officer, except for a Basic Fire Suppression academy, will choose a test location and date from the list provided by the commission. The designated training officer of a Basic Fire Suppression academy may request during the training approval process to schedule the examination as soon as possible after the completion of the applicable course and at a place agreeable to the commission. The provider of training will receive from the commission an Application for Testing form with the~~

course approval notice which will reflect the tentative date, time, and location of the examination. The provider of training must have each examinee complete the Application for Testing form and return it to the commission office no later than the third day of instruction. The commission, upon receipt of the Application for Testing form, will confirm the time and place for the examination.

- ~~(be)~~ All training providers are responsible for ensuring that all **application processing** testing fees due to the commission **must be** are paid in a timely manner. In addition, all training providers of a Basic Fire Suppression academy that schedule through the commission an examination for less than ten (10) examinees must pay an examination fee equal to the amount that would be charged for ten (10) examinees.
- ~~(d)~~ If the designated training officer determines that the time and/or place of the examination as set by the commission is not acceptable for good cause, he or she may request the commission to reschedule or relocate the examination providing the request is received at least 20 days prior to the original scheduled time of the examination or the new proposed time, whichever would result in the earliest notification. The commission shall give all such requests due consideration and may reschedule or relocate the examination as necessary.
- ~~(ce)~~ Each examination must be administered by a lead examiner.
- ~~(f)~~ The lead examiner may administer the examination alone or with the assistance of field examiner(s). The field examiners shall be approved by the commission prior to the administration of the examination.
- ~~(dg)~~ The lead examiner must:
- (1) ensure that the tests remain secure and that the examination is conducted under conditions warranting honest results;
  - (2) collect all examination materials from any examinee who is dismissed;
  - ~~(23)~~ monitor the examination while in progress;
  - ~~(34)~~ control entrance to and exit from the test site;
  - ~~(5)~~ permit no one in the room while the written test is in progress except examiners, examinees, and commission staff;
  - ~~(46)~~ assign or re-assign seating; and
  - ~~(57)~~ bar admission to or dismiss any examinee who fails to comply with any of the applicable provisions of this chapter.
- ~~(h)~~ Examination booklets, answer sheets, scratch paper and grade roster(s) will be delivered to the lead examiner by means specified by the commission. The lead examiner must immediately notify the commission and document any errors detected in the examination materials provided.
- ~~(i)~~ Immediately following the completion of the written examination, the lead examiner must remit to the commission all examination booklets, answer sheets and scratch paper in the return container provided by the commission.
- ~~(ej)~~ All official grading and notification must come from the **Commission or its designee**. The commission staff must make available the preliminary test results **shall be made available** within seven (7) business days after completion of the examination.

### §439.7. Eligibility.

(a)-(c) No change.

- (1) meet or exceed the minimum requirements set by the commission as a prerequisite for the specified examination;
- (2) submit a test application with documentation showing completion of a Commission-approved curriculum and any other prerequisite requirements, along with the appropriate application processing fee(s).**
- (3) receive from the Commission an “Endorsement of Eligibility” letter and provide this letter to the lead examiner.**
- ~~(2) provide the lead examiner with a copy of a Certificate of Completion for the course required for the specific examination sought or an endorsement of eligibility issued by the commission;~~
- (43)** bring to the test site, and display upon request, ~~some form of~~ **state issued** identification which contains the name and a photograph of the examinee;
- (54)** report on time to the proper location; and
- (65)** comply with all the written and verbal instructions of the lead examiner.

(d) No examinee shall be permitted to:

(1)-(10) No change.

(e) No change.

### §439.9. Grading.

(a) ~~For a score to be valid and remain valid:~~

- ~~(1) the examinee must complete the answer sheet, or otherwise record the answers, as instructed by the lead examiner; and~~
- ~~(2) If performance skills are required as a part of the examination, the examinee must demonstrate performance skill objectives in a manner consistent with performance skill evaluation forms provided by the commission. The evaluation format for a particular performance skill will determine the requirements for passage of the skill. Each performance skill evaluation form will require successful completion of one of the following formats:~~
  - (1A)** all mandatory tasks; or
  - (2B)** an accumulation of points to obtain a passing score of at least 70%; or
  - (3C)** a combination of both (1) and (2).

(b) The minimum passing score on each ~~written~~ examination or section thereof as outlined in §439.1(~~de~~) of this title shall be 70%. This means that 70% of the total possible active questions must be answered correctly. The commission may, at its discretion, invalidate any question.

- (c) If the commission invalidates an examination score for any reason, it may also, at the discretion of the commission and for good cause shown, require a retest to obtain a substitute valid test score.

**§439.11. Commission-Designated Academy Administered Performance Skill Evaluations**

- (a) **The evaluation for competency of the Commission-designated skills will take place at the end of all training. The date(s), time(s) and location(s) will be provided to the Commission on the Training Prior Approval form. The evaluation will be a formal test setting supervised by the chief training officer. All evaluators must be a current field examiner with the Commission.**
- (b) **The provider of training for Commission certification courses will receive from the Commission, with the course approval notice, a set of randomly selected performance skills as outlined in §439.11(d).**
- (c) **In order to qualify for the Commission certification examination, the student must successfully complete and pass all designated skill evaluations. The student may be allowed two attempts to complete each skill. A second failure during the evaluation process will require remedial training in the failed skill area with a certified instructor before being allowed a third attempt. A third failure shall require that the student repeat the entire certification curriculum.**
- (d) **The randomly selected Commission-designated skills will be based off the following table:**

<b><u>DISCIPLINE</u></b>	<b><u>TOTAL # OF SKILL EVALUATIONS IN CURRICULUM</u></b>	<b><u>MINIMUM OF 3 OR 10% (ROUNDED UP)</u></b>
<b><u>Structure</u></b>	<b><u>129</u></b>	<b><u>13</u></b>
<b><u>FFI</u></b>	<b><u>89</u></b>	<b><u>9</u></b>
<b><u>FFII</u></b>	<b><u>20</u></b>	<b><u>3</u></b>
<b><u>AW</u></b>	<b><u>6</u></b>	<b><u>3</u></b>
<b><u>OPS</u></b>	<b><u>14</u></b>	<b><u>3</u></b>
<b><u>INSPECTOR</u></b>	<b><u>57</u></b>	<b><u>6</u></b>
<b><u>INSPECTOR I</u></b>	<b><u>21</u></b>	<b><u>3</u></b>
<b><u>INSPECTOR II</u></b>	<b><u>22</u></b>	<b><u>3</u></b>
<b><u>PLAN EXAMINER I</u></b>	<b><u>14</u></b>	<b><u>3</u></b>
<b><u>INVESTIGATOR</u></b>	<b><u>27</u></b>	<b><u>3</u></b>
<b><u>INSTRUCTOR I</u></b>	<b><u>14</u></b>	<b><u>3</u></b>
<b><u>INSTRUCTOR II</u></b>	<b><u>12</u></b>	<b><u>3</u></b>
<b><u>INSTRUCTOR III</u></b>	<b><u>15</u></b>	<b><u>3</u></b>
<b><u>FIRE OFFICER I</u></b>	<b><u>16</u></b>	<b><u>3</u></b>
<b><u>FIRE OFFICER II</u></b>	<b><u>12</u></b>	<b><u>3</u></b>
<b><u>HAZMAT TECH</u></b>	<b><u>22</u></b>	<b><u>3</u></b>
<b><u>DRIVER/OPERATOR – PUMPER</u></b>	<b><u>15</u></b>	<b><u>3</u></b>
<b><u>ARFF</u></b>	<b><u>19</u></b>	<b><u>3</u></b>

- ~~(a) — The provider of training of a Basic Fire Suppression Fire Fighter I academy will receive from the commission with the course approval notice at least seven randomly selected performance skill objectives from Section II of the Performance Evaluation Forms that each examinee must successfully complete prior to the commission examination. The provider of training of a Basic Fire Suppression Fire Fighter II academy will receive from the commission with the course approval notice at least seven randomly selected performance skill objectives from Section III of the Performance Evaluation Forms that each examinee must successfully complete prior to the commission examination. The provider of training of a Basic Fire Suppression Fire Fighter I and Fire Fighter II combined academy will receive from the commission with the course approval notice at least seven randomly selected performance skill objectives from Section II and Section III of the Performance Evaluation Forms that each examinee must~~

successfully complete prior to the Commission examination. One of the seven randomly selected skills must be a live fire skill.]

~~[(b) — The evaluation for competency to qualify for the state performance skills evaluation may occur at any time during the course of instruction but must take place after all training on the identified subject area has been completed. The number of opportunities to successfully complete particular performance skill objectives evaluated during an academy is at the discretion of the designated training officer. Retests must be conducted prior to the completion of the course. All skills must be demonstrated in the presence of a commission approved field examiner. The instructor of a particular subject may not evaluate the performance skill related to that subject unless the instructor is an approved field examiner. At the conclusion of a course at an approved training facility, the examinee must complete the state performance skill evaluation in accordance with §439.13 of this title.]~~

~~[(c) — During the course of instruction, the provider of training, except for a Basic Fire Suppression academy identified in subsection (a) of this section, shall test for competency all performance skills listed in the applicable curriculum. This applies only for curricula in which performance standards have been developed. Retests must be conducted prior to the completion of the course. All skills must be demonstrated before a commission approved field examiner.]~~

#### **§439.13. State Administered Performance Skill Evaluation.**

- ~~(a) — The examinee must complete a state performance skill evaluation in accordance with subsection (b) of this section.~~
- ~~(b) — The state performance skill evaluation must consist of at least three successfully completed performance skill objectives evaluated by field examiners under the supervision of a lead examiner after completion of an approved curriculum.~~
- ~~(1) — The state performance skill evaluation of a Basic Fire Fighter I academy or a combined Fire Fighter I and Fire Fighter II academy must consist of one skill pertaining to self-contained breathing apparatus and at least two other skills identified as a critical skill in Section I of the Performance Evaluation Forms.~~
- ~~(2) — Each student's performance skill evaluation routing card must show the results of the evaluations and be signed by the field examiner(s) performing the evaluation(s).~~

#### **§439.15. Proof of Proficiency.**

- ~~(a) — An individual whose certificate has been expired for one year or longer may not renew the certificate that was previously held.~~
- ~~(b) — The individual may obtain a new certificate in the discipline which was previously held by passing a commission proficiency examination pertaining to the discipline held.~~
- ~~(c) — An individual or entity may petition the commission for a waiver of the examination required by this section if the person's certificate expired because of the individual or employing entity's good faith clerical error, or expired as a result of termination of the person's employment where the person has been restored to employment through a disciplinary procedure or a court action. All required renewal fees including applicable late fees and all required continuing education must be submitted before the waiver request may be considered.~~
- ~~(1) — Applicants claiming good faith clerical error must submit a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with commission renewal requirements and that failure to comply was due to circumstances beyond the control of the applicant.~~
- ~~(2) — Applicants claiming restoration to employment as a result of a disciplinary or court action must submit a certified copy of the order restoring the applicant to employment.~~

**~~§439.17. Testing for Certification Status.~~**

- ~~(a) If an individual who has never held certification in a discipline defined in §421.5 of this title, seeks certification in that discipline, the individual shall;~~
- ~~(1) complete all certification requirements; and~~
  - ~~(2) complete the examination process pertaining to that discipline. All portions of an examination must be passed before the individual is considered to have passed the examination.~~
- ~~(b) If an individual completes an approved training program that has been evaluated and deemed equivalent to a certification curriculum approved by the commission, such as an out-of-state or military training program or a training program administered by the State Firemen and Fire Marshals' Association of Texas, the individual must pass a commission examination for certification status and meet any other certification requirements in order to become eligible for certification by the commission as fire protection personnel.~~

**§439.19. Number of Test Questions.**

- (a) Each ~~written~~ examination may have two types of questions: pilot and active. Pilot questions are new questions placed on the examination for statistical purposes only. These questions do not count against an examinee if answered incorrectly.
- (b) The number of questions on the ~~written portion of the~~ state examination will be based upon the number of recommended hours in the particular curriculum or section being tested. The standard is outlined below:

Recommended Hours	No. Questions	Maximum No. Pilot Questions	Time Allowed
30 or less	25	5	30 minutes
31-100	50	5	1 hour
101-200	75	10	1.5 hours
201-300	100	15	2 hours
301-400	125	20	2.5 hours
401 or more	150	25	3 hours

- (c) No Change.

**SUBCHAPTER B**

**EXAMINATIONS FOR DISTANCE TRAINING**

**§439.203. Procedures.**

- ~~(a) Once distance training is completed, each individual receiving a certificate of completion must contact the commission to obtain the appropriate test application packet. unless the commission has established an examination with the provider of training.~~

~~(b) To apply for a state administered commission examination, an individual who completes distance training must complete the Application for Testing form and return it to the commission with the individual's certificate of completion. The commission, upon receipt of the Application for Testing form and supporting documentation, will confirm the time and place for the examination.~~

**§439.205. Performance Skill Evaluation.**

~~(a) State performance skill evaluation. If a performance skill test is part of a commission examination, the examinee must complete a state performance skill evaluation as indicated in the particular standard related to the curriculum being tested or examined.~~

~~(b) Evaluation procedures. If the performance skill portion of a state exam is to be evaluated by an approved field examiner who will not observe the completion of the skill while in the immediate physical presence of the examinee, a letter of assurance from the candidate's training officer or fire chief is required stating that the fire department assures the integrity of the evaluation procedure. If the candidate is not a member of a fire department, then a certified fire instructor, fire chief, or training officer may provide a letter of assurance that meets the requirements of this subsection. The provider of distance training is required to keep a record of this assurance and provide it to the commission upon request.~~

**10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 6. Proposed amendments to 37 TAC Chapter 449, Head of a Fire Department including, but not limited to §449.3 and §449.5.**

## Chapter 449

### HEAD OF A FIRE DEPARTMENT

#### §449.3 Minimum Standards for Certification as Head of a Suppression Fire Department

- (a) In order to be certified as a head of a fire department providing fire suppression, an individual must be appointed as head of a fire department; and
- (1)-(2) No change.
  - (3) provide documentation in the form of a non self serving sworn affidavit of ten years experience as an employee of a local governmental entity in a full-time structural fire protection personnel position in a jurisdiction other than Texas; and successfully pass a ~~written~~ commission Head of Department examination as specified in Chapter 439; or
  - (4) (No change.)
  - (5) provide documentation in the form of a sworn non self serving affidavit of ten years experience as an active volunteer fire fighter in one or more volunteer fire departments that meet the requirements of subsection (b) of this section and successfully pass a ~~written~~ commission Head of Department examination as specified in Chapter 439.
- (b)-(d) No change.

#### §449.5 Minimum Standards for Certification as Head of a Prevention Only Department

- (a) In order to be certified as the head of a fire department providing fire prevention activities only, an individual must be appointed as head of a Fire Prevention Department; and
- (1)-(2) No change.
  - (3) provide documentation in the form of a sworn non self serving affidavit of ten years experience as an employee of a local governmental entity in a full-time fire inspector, fire investigator, or arson investigator position in a jurisdiction other than Texas and successfully pass a ~~written~~ commission Head of Department examination as specified in Chapter 439; or
  - (4) No change.
  - (5) provide documentation in the form of a sworn non self serving affidavit of ten years experience as an active volunteer fire inspector, fire investigator, or arson investigator with ten years experience in fire prevention and successfully pass a ~~written~~ commission Head of Department examination as specified in Chapter 439.
- (b) No change.

**10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 7. Proposed amendments to 37 TAC Chapter 451, Fire Officer including, but not limited to §451.5 and §451.205.**

## Chapter 451

### FIRE OFFICER

#### Subchapter A

#### MINIMUM STANDARDS FOR FIRE OFFICER I

##### §451.5. Examination Requirements.

- (a) ~~The written~~ Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Fire Officer I certification.
- (b) ~~Performance skills must meet the requirements in Chapter 439.~~
- (b) ~~No~~ Individuals will be permitted to take the commission examination for Fire Officer I certification **by documenting the following: Structure Fire Protection Personnel certification and Fire Service Instructor certification through the commission or the equivalent IFSAC seals, and completing a Commission-approved Fire Officer I curriculum.** ~~unless the individual documents completion of the Fire Fighter I and Fire Fighter II level as required by Chapter 1, Basic Fire Suppression, of the commission's Certification Curriculum Manual and holds, as a minimum, Fire Service Instructor I certification through the commission, or documents accreditation from International Fire Service Accreditation Congress as an Instructor I.~~

#### SUBCHAPTER B

#### MINIMUM STANDARDS FOR FIRE OFFICER II

##### §451.205. Examination Requirements.

- (a) Examination ~~The written examination~~ requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Fire Officer II certification.
- (b) ~~Performance skills must meet the requirements in Chapter 439.~~
- (b) ~~(e) Individuals No individual~~ will be permitted to take the commission examination for Fire Officer II certification **by documenting the following: Structure Fire Protection Personnel certification, Fire Service Instructor certification and Fire Officer I certification through the commission or the equivalent IFSAC seals, and completing a Commission-approved Fire Officer II curriculum.** ~~unless the individual documents completion of the Fire Fighter I and Fire Fighter II level training as required by Chapter 1, Basic Fire Suppression, of the commission's Certification Curriculum Manual and holds, as a minimum, Fire Service Instructor I certification through the commission, documents accreditation from the International Fire Service Accreditation Congress as an Instructor I.~~

**10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 8. Proposed amendments to 37 TAC Chapter 453, Minimum Standards for Hazardous Materials including, but not limited to §453.5.**

## Chapter 453

### MINIMUM STANDARDS FOR HAZARDOUS MATERIALS TECHNICIAN

#### §453.5. Examination Requirements.

- (a) **Examination**~~[The written Examination]~~ requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive a Hazardous Materials Technician Certification.
- ~~(b) Performance skills must meet the requirements in Chapter 439.~~
- (b)(e) Individuals** No individual will be permitted to take the commission examination for Hazardous Materials Technician **by documenting** ~~unless the individual documents completion of the~~ **NFPA 472 Awareness and Operations level and completing a Commission-approved Hazardous Materials Technician curriculum.** ~~First Responder Awareness and Operations level training as required by Chapter 1, Basic Fire Suppression, of the Commission's Certification Curriculum Manual~~

**10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**B. Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 1. Proposed amendments to 37 TAC, Chapter 429, Fire Inspector, including, but not limited to §429.203.**

## Chapter 429

### Minimum Standards for Fire Inspectors

#### Subchapter B

#### Minimum Standards for Fire Inspector Certification

##### §429.203. Minimum Standards for Basic Fire Inspector Certification – New Track.

In order to be certified as a basic fire inspector, an individual must:

- (C) successful completion of the following college courses:
  - (i) Fire Protection Systems, three semester hours;
  - (ii) Fire Prevention, three semester hours; or Fire Prevention Codes and Inspections Investigations, three semester hours;

**10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**B. Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 2. Proposed amendments to 37 TAC, Chapter 435, Fire Fighter Safety, including, but not limited to §435.23.**

## Chapter 435

### FIRE FIGHTER SAFETY

#### §435.23 – Fire-Fighter Injuries.

A. A fire department shall report the following fire-fighter injuries on the Commission form.

1) Any injury resulting from failure of SCBA or PPE as defined in §435.1 (1) shall be reported within two business days.

2) Injuries that occur while involved in emergency response activities or received during physical fitness and training activities resulting in loss of time beyond the original day of injury and/or requiring medication prescribed or provided by a licensed physician shall be reported within 14 business days. Emergency response activities will not include EMS incidents unless extrication or rescue is involved.

B. The fire department shall secure any SCBA or protective equipment damaged or contributing to the injury of a fire fighter for inspection by the Commission.

**10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**B. Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 3. Proposed amendments to 37 TAC, Chapter 445, Administrative Inspections and Penalties, including, but not limited to §§445.1, 445.9, 445.11, 445.13 and 445.15.**

## Chapter 445

### Administrative Inspections and Penalties

#### §445.1 - Entity Inspections

- a. The commission shall conduct at least biennial inspections of the entities that fall under the regulatory authority of the commission **and may perform risk based inspections of entities the commission determines to be at risk.**
- b. The purpose of these inspections shall be to promote safety and proficiency in the fire service by ensuring compliance with state law and commission rules pertaining to minimum standards for fire protection personnel education, protective clothing, self-contained breathing apparatus, **personal alert safety systems, standard operating procedures,** or any other aspect of the fire service regulated by the commission.
- c. This shall include inspections of volunteer fire fighters and fire departments that participate in the voluntary regulation program pursuant to Section 419.071 of the Texas Government Code in one or more of the component areas.

#### §445.9 - Minor Violations

If during the course of a departmental inspection, the inspector determines the department has committed minor violations, the following procedures shall apply.

1. The inspector shall issue a **notice of minor violations** [~~formal notice of noncompliance~~] identifying the findings **resulting from the compliance inspection** [~~of fact~~].
2. The department then has **30** [~~14~~] calendar days from the date the [~~formal~~] notice of **minor violations** [~~noncompliance~~] is received to [~~correct the violations and~~] provide the commission with [~~proof of compliance or to provide the commission with~~] a written schedule of actions which will be carried out to correct **the minor violations** [~~achieve compliance~~]. The schedule of actions will allow necessary amounts of time for such things as obtaining items through city requisitions and bid processes, when necessary. Lack of funds is not an acceptable reason for delay.
3. [~~If the department fails to provide proof of compliance or a written schedule of actions within the 14 calendar days, an administrative penalty of up to \$300 per violation may be recommended by the commission staff. If the department has been compelled to submit proof of compliance or a schedule of actions for the same or similar violations within the previous five years, the administrative penalty shall be up to \$600 per violation.~~]
4. [~~In the event the department fails to achieve compliance in accordance with the agreed-upon schedule of actions, an administrative penalty of up to \$600 per violation may be recommended by the commission staff unless the commission staff determines that sufficient reason exists for extending the time allowed for compliance.~~]
5. [~~In all cases where an administrative penalty is recommended by the commission staff, the department may be granted 14 calendar days to pay the administrative penalty and come into compliance or submit a written notice of appeal.~~]
3. If the department fails to **provide a plan for obtaining compliance** [~~pay the administrative penalty and come into compliance~~] within the required time frame, a hearing may be scheduled. If determined by the hearing process that violations occurred **and were not corrected**, the department may be:
  - A. allowed extra time to come into compliance;
  - B. assessed appropriate penalties which may be probated and may include suspension of certificates, administrative penalties, hearing costs, and attorneys fees;
  - C. required to furnish proof of compliance.

## §445.11 - Major Violations

~~[If during the course of a departmental inspection the inspector determines the department has committed major violations, the following procedures shall apply.]~~

- ~~1. [The inspector shall issue a formal notice of noncompliance identifying the findings of fact.]~~
- ~~2. [An administrative penalty of up to \$500 per violation may be recommended by the commission staff. If it is determined by the commission that the department has been subjected to an administrative penalty for the same or similar violations within the previous five years, the administrative penalty may be up to \$1,000 per violation.]~~
- ~~3. [The department then has 14 calendar days from the date of the receipt of the formal notice of noncompliance to pay the administrative penalty, correct the violations, and to provide the commission with proof of compliance or submit written notice of appeal.]~~
- ~~4. [If the department fails to pay the administrative penalty and come into compliance within the total 14 calendar day time frame, a hearing shall be scheduled. If determined by the hearing process that violations occurred, the department may be:]~~
  - ~~A. [allowed extra time to come into compliance;]~~
  - ~~B. [assessed appropriate penalties which may be probated and may include suspension of certificates, administrative penalties, hearing costs, and attorneys fees;]~~
  - ~~C. [required to furnish proof of compliance.]~~

**If during the course of a departmental inspection the inspector determines the department has committed major violations involving protective clothing, self-contained breathing apparatus, personal alert safety systems or breathing air, the following procedures shall apply.**

**The inspector shall issue a formal notice of noncompliance identifying the violations and the corrective measures to be taken by the department to correct the listed violations.**

**The department has 30 calendar days from the date of receipt of the formal notice of noncompliance to correct the violations, and to provide the commission with proof of compliance or submit written notice of appeal.**

**If the department fails to come into compliance within the allotted time frame an administrative penalty of up to \$500 per day may be assessed from the first day of formal notice of violation for each violation. If it is determined that the department was assessed administrative penalties for the same or similar violations within the previous five years, the administrative penalty of up to \$1,000 per violation may be assessed.**

**The department then has 30 calendar days from formal notice of administrative penalties assessed to pay the administrative penalty or submit written notice of appeal.**

**Upon receipt of a written appeal concerning administrative action or penalty a hearing will be scheduled. Chapter 154 of the Texas Civil Practice and Remedies Code shall be used as a procedural guide.**

## §445.13 - Disciplinary Hearings

~~[Upon the filing of a complaint with the commission charging a regulated entity with a violation of the Code or commission regulations as grounds for disciplinary action, the commission shall provide for a hearing of the charges. The commission's rules of practice and procedure govern disciplinary proceedings under this chapter.]~~

A complaint case shall be opened no later than the 30<sup>th</sup> day after formal notice to the fire department, training provider or individual, concerning unresolved major violations found during an inspection. A hearing will be scheduled with the fire department, training provider or individual to determine administrative actions or penalties.

The commission shall consider the following factors when determining administrative penalties:

Compliance history;  
Seriousness of the violation;  
The safety threat to the public or fire personnel;  
Any mitigating factors; and  
Any other factors the commission considers appropriate.

#### **§445.15 - Judicial Enforcement**

~~[If a department is found to have committed major violations of the same or similar nature on three or more occasions within the previous five years, proceedings for injunctive relief, penalties, and discipline may be instituted; provided, however, that this section shall not prohibit the commission from resorting to judicial enforcement for any violation of the Code or rules.]~~

The commission may enter a default order if a fire department or training provider fails to take action to correct a violation found during an inspection conducted under this chapter or to request an informal settlement conference before the 61<sup>st</sup> day after the date the commission provides to the department or provider notice requiring the department or provider to correct the violations.

**10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

- C. Discussion and possible action on recommendations from the Curriculum and Testing Committee.**

11. Discussion and possible action on proposed amendments to 37 TAC Chapter 435, Fire Fighter Safety, including, but not limited to §435.1 per request from Mr. Rick Johnson, President/Co-Owner of Gear Cleaning Solutions.



April 9, 2009

Jake Soteriou  
 Director - Standards & Certification  
 TCFP

Subject: Proposed Rule Change to Chapter 435.1

Dear Mr. Soteriou:

The purpose of this letter is to propose a rule change to 435. Currently the standards states:

Chapter 435 - Fire Fighter Safety

§435.1 - Protective Clothing

- a. A regulated fire department shall:
1. purchase, provide, and maintain a complete set of protective clothing for all fire protection personnel who would be exposed to hazardous conditions from fire or other emergencies or where the potential for such exposure exists. A complete set of protective clothing shall consist of garments including bunker coats, bunker pants, boots, gloves, helmets, and protective hoods, worn by fire protection personnel in the course of performing fire-fighting operations;
  2. ensure that all protective clothing which are used by fire protection personnel assigned to fire suppression duties comply with the minimum standards of the National Fire Protection Association suitable for the tasks the individual is expected to perform. The National Fire Protection Association standard applicable to protective clothing is the standard in effect at the time the entity contracts for new, rebuilt, or used protective clothing; and

It is my understanding that currently the TCFP rules requires that any ensemble and/or element must be compliant to the current NFPA 1971 standard at the time the entity contracts for new, rebuilt or used clothing. As an Independent Service Provider who provides care and maintenance to Fire Departments throughout the State of Texas, this eliminates the possibility for us, the ISP to provide Fire Departments "loaner" gear, thus creating a nightmare for Departments to comply with NFPA 1851. This is largely due to financial strains, because the gear is will become non-compliant every 5 years due to NFPA revisions.

My proposal is to change the rule so that Fire Departments and Fire Academies are allowed to use rental or loaner gear on a temporary basis (even if it was manufactured under an earlier standard) as long as the gear has passed an advanced inspection as per NFPA 1851.

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 Dallas, TX 75220  
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What I envision is to add wording that would allow fire departments or the organization the ability to use rental gear on a temporary basis as long as the gear has passed advanced inspection and is no more than 10 years from the date of manufacture, which is what NFPA 1851 allows. This would encompass the current 1971 standard and the previous revision making it compliant with the ten-year retirement of NFPA 1851. With a large amount of Fire Department PPE the same age or older the five years, this would provide some relief to departments while they are trying to obtain and maintain compliance with NFPA 1851-2008.

Thank you for your time and please feel free to contact me with questions.

Sincerely,

Rick Johnson  
President/ Co-Owner

**12. Discussion and possible action on proposed amendments to 37 TAC Chapter 421, Standards for Certification, including, but not limited to §421.9.**

## Chapter 421

### STANDARDS FOR CERTIFICATION

#### §421.9. Designation of Fire Protection Duties.

- (a) An individual who performs one or more fire protection duties, listed in the Texas Government Code, §419.021(3)(C), for a fire department of local government entity shall be designated to only one of the following categories:
- (1) fire protection personnel;
  - (2) a part-time fire protection employee; or
  - (3) a volunteer fire fighter or other auxiliary fire fighter.
- (b) A fire department regulated by the commission may not designate the same person under more than one category under this section. The designation shall be made on the records of the department and the designation shall be made available for inspection by the commission or sent to the commission on request.
- (c) A fire department regulated by the commission shall submit on the proper form a request to appoint fire protection personnel or part-time fire protection employees to a regulated discipline. No individual may be appointed to a discipline without approval by the commission. Termination of fire protection personnel or part-time fire protection employees shall be reported to the commission on the **Removal from Appointment**~~[proper]~~ form within 14 calendar days of the action. In the case of termination, the employing entity shall report an individual's last known home address to the commission. A **Removal from Appointment form**~~[Notice of Termination]~~ may be submitted without the employee's signature.
- (d) A fire department may not in a calendar year compensate, reimburse, or provide benefits to a person the department has designated as a volunteer or other auxiliary fire fighter in an amount that is equal to or more than what a person receives working 2,080 hours at the federal minimum wage.
- (e) A person certified as fire protection personnel in one fire department may be employed and designated as a part-time fire protection employee in another fire department without additional certification as a part-time fire protection employee.

**13. Discussion and possible approval of the addition of classes or courses to the A List and B List for higher levels of certification.**

Proposed Additions  
To  
A & B Lists  
(Commission Meeting, 7/9/2009)

**A-List Courses** (all are National Fire Academy [NFA] resident courses):

- Analysis of Arson Management
- Fire Dynamics-Fire Modeling
- Fire/Arson Origin and Cause Investigations
- Forensic Evidence Collection
- Fire Protection for the Built Environment
- Advanced Analysis for Decision Making
- Fire and Emergency Services Pre-Disaster Long Term Recovery Planning
- Partnering for Fire Defense and Emergency Services Planning

**B-List Courses:**

- Preparation for Initial Company Operations (NFA)
- Fire Prevention for High-Risk Populations: Age and Disability Factors (NFA)
- Emergency Response to Terrorism: Strategic and Tactical Considerations for Supervisors (NFA)
- A Comprehensive Fire Protection Approach for Commercial Occupancies (NFA)
- Safe Practices for Traffic Incident Responders (TEEX)
- Modular Emergency Response Radiological Transportation Training (U.S. Dept of Energy)
- Radiological/Nuclear Course for Hazardous Materials Technicians  
(U.S. Dept of Homeland Security, Office for Domestic Preparedness)

14. **Update from standards division director on matters relating to the activities of the following committees: International Fire Service Accreditation Congress, Respiratory Protection and Personal Alarm Equipment Committee, Fire Service Occupational Safety Committee, NFPA 1971 Technical Committee, and NFPA Technical Correlating Committee on Fire and Emergency Services Protective Clothing and Equipment.**

**15. Discussion and possible action on matters from the Executive Director.**

- A. Report on decisions of the Executive Director in contested cases and consent orders.**
- B. Status of division functions.**
- C. Update on legislative session.**

16. **Executive session pursuant to Government Code, Section 551.074, for the discussion of personnel matters: the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, and appoint, employment, reassignment, or duties of personnel acting on an interim basis.**

**17. Open session for further discussion and possible action regarding preceding agenda item.**

**18. Adjourn meeting.**