

**10. Discussion and possible action pursuant to Section 2001.039, Texas Government Code with respect to the proposed rule review and consideration of re-adoption or repeal of the rules contained in the following Chapters of Title 37 Texas Administrative Code:**

- A. 37 TAC, Chapter 401-Practice and Procedure**
- B. 37 TAC, Chapter 403-Criminal Convictions and Eligibility for Certification**
- C. 37 TAC, Chapter 405-Charges for Public Records**
- D. 37 TAC, Chapter 407-Administration**
- E. 37 TAC, Chapter 431-Fire Investigation**
- F. 37 TAC, Chapter 433-Minimum Standards for Driver/Operator-Pumper**
- G. 37 TAC, Chapter 435-Fire Fighter Safety**
- H. 37 TAC, Chapter 437-Fees**
- I. 37 TAC, Chapter 443-Certification Curriculum Manual**
- J. 37 TAC, Chapter 445-Administrative Inspections and Penalties**
- K. 37 TAC, Chapter 447-Part-Time Fire Protection Employee**

## PROPOSED RULE REVIEW

### Texas Commission on Fire Protection

- <p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 401, concerning Practice and Procedure. Chapter 401 consists of Subchapter A, General Provisions and Definitions, <\*>401.1, Purpose and Scope, <\*>401.3, Definitions, <\*>401.5, Delegation of Authority, <\*>401.7, Construction, <\*>401.9, Records of Official Action, <\*>401.11, Conduct of Commission and Advisory Meetings, <\*>401.13, Computation of Time, <\*>401.15, Agreements To Be in Writing, Subchapter B, Rulemaking Proceedings, <\*>401.17, Requirements, <\*>401.19, Petition for Adoption of Rules, Subchapter C, Examination Appeals Process, <\*>401.21, Examination Challenge, <\*>401.23, Examination Waiver Request, Subchapter D, Disciplinary Proceedings, <\*>401.31, Disciplinary Proceedings in Contested Cases, Subchapter E, Prehearing Proceedings, <\*>401.41, Preliminary Staff Conference, <\*>401.43, Prehearing Conferences, <\*>401.45, Interim Orders, <\*>401.47, Appeal of an Interim Order, <\*>401.49, Prehearing Statements, Subchapter F, Contested Cases, <\*>401.51, Preliminary Notice and Opportunity for Hearing, <\*>401.53, Notice of Hearing, <\*>401.55, Hearings Officer, <\*>401.57, Filing of Exceptions and Replies to Proposal for Decision, <\*>401.59, Orders, <\*>401.61, Record, <\*>401.63, Appeals to the Commission, <\*>401.65, Suspension of Orders, <\*>401.67, Motions for Rehearing, Subchapter G, Conduct and Decorum, Sanctions, and Penalties, <\*>401.101, Conduct and Decorum, <\*>401.103, Discovery Sanctions, <\*>401.105, Administrative Penalties, Subchapter H, Reinstatement, <\*>401.111, Application for Reinstatement of License or Certificate, <\*>401.113, Evaluation for Reinstatement, <\*>401.115, Procedure upon Request for Reinstatement, <\*>401.117, Commission Action Possible upon Reinstatement, <\*>401.119, Failure to Appear for Reinstatement, and Subchapter I, Notice and Processing Periods for Certificate Applications, <\*>401.121, Purpose of Establishing Time Periods, <\*>401.123, Notice of Deficiency, <\*>401.125, Processing Periods, and <\*>401.127, Appeal.
- <p>This review will be conducted pursuant to Texas Government Code <\*> 2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.
- <p>The Texas Commission on Fire Protection, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at [info@tcfp.texas.gov](mailto:info@tcfp.texas.gov). Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

## PROPOSED RULE REVIEW

### Texas Commission on Fire Protection

<p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 403, concerning Criminal Convictions and Eligibility for Certification. Chapter 403 consists of <\*>403.1 Purpose, <\*>403.3, Scope, <\*>403.5, Access to Criminal History Record Information, <\*>403.7, Criminal Convictions Guidelines, <\*>403.9 Mitigating Factors, <\*>403.11, Procedures for Suspension, Revocation, or Denial of a Certificate to Persons with Criminal Backgrounds, <\*>403.15, Report of Convictions by Individual or Department.

<p>This review will be conducted pursuant to Texas Government Code <\*> 2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.

<p>The Texas Commission on Fire Protection, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at [info@tcfp.texas.gov](mailto:info@tcfp.texas.gov). Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

## PROPOSED RULE REVIEW

### Texas Commission on Fire Protection

The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 405, concerning Charges for Public Records. Chapter 405 consists of 405.1, General Provisions Regarding Charges for Public Records, 405.3, Definitions, 405.5, Charges for Providing Copies of Public Information, 405.7, Access to Information Where Copies Are Not Requested, 405.9, Format for Copies of Public Information, 405.11, Estimates and Waivers of Public Information Charges, and 405.15, The Texas Commission on Fire Protection Charge Schedule.

As part of this review, the Texas Commission on Fire Protection (commission) will consider the repeal of Chapter 405 in its entirety and propose similar language as a new Subchapter J, in Chapter 401, Practice and Procedures.

This review will be conducted pursuant to Texas Government Code 2001.039. The commission will accept comments for 30 days following publication of this notice in the Texas Register as to whether the reasons for adopting these rules continue to exist.

The Texas Commission on Fire Protection, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at [info@tcfp.texas.gov](mailto:info@tcfp.texas.gov). Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the Texas Register and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

## PROPOSED RULE REVIEW

### Texas Commission on Fire Protection

<p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 407, concerning Administration. Chapter 407 consists of <\*>407.1, Historically Underutilized Businesses.

<p>As part of this review, the Texas Commission on Fire Protection (commission) will consider the repeal of Chapter 407 in its entirety and propose its language as a new Subchapter K, in Chapter 401, Practice and Procedures.

<p>This review will be conducted pursuant to Texas Government Code <\*> 2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.

<p>The Texas Commission on Fire Protection, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at [info@tcfp.texas.gov](mailto:info@tcfp.texas.gov). Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

## PROPOSED RULE REVIEW

### Texas Commission on Fire Protection

- <p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 431, concerning Fire Investigation. Chapter 431 consists of Subchapter A, Minimum Standards For Arson Investigator Certification, <\*>431.1, Minimum Standards for Arson Investigation Personnel, <\*>431.3, Minimum Standards for Basic Arson Investigator Certification, <\*>431.5, Minimum Standards for Intermediate Arson Investigator Certification, <\*>431.7, Minimum Standards for Advanced Arson Investigator Certification, <\*>431.9, Minimum Standards for Master Arson Investigator Certification, <\*>431.11, Minimum Standards for Arson Investigator Certification for Law Enforcement Personnel, <\*>431.13, International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter B, Minimum Standards For Fire Investigator Certification, <\*>431.201, Minimum Standards for Fire Investigation Personnel, <\*>431.203, Minimum Standards for Fire Investigator Certification, <\*>431.205, Minimum Standards for Intermediate Fire Investigator Certification, <\*>431.207, Minimum Standards for Advanced Fire Investigator Certification, <\*>431.209, Minimum Standards for Master Fire Investigator Certification, and <\*>431.211, International Fire Service Accreditation Congress (IFSAC) Seal-Fire Investigator.
- <p>This review will be conducted pursuant to Texas Government Code <\*> 2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.
- <p>The Texas Commission on Fire Protection, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at [info@tcfp.texas.gov](mailto:info@tcfp.texas.gov). Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

## PROPOSED RULE REVIEW

### Texas Commission on Fire Protection

The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 433, concerning Minimum Standards For Driver/Operator – Pumper. Chapter 433 consists of 433.1, Driver/Operator-Pumper Certification, 433.3, Minimum Standards for Driver/Operator-Pumper Certification, 433.5, Examination Requirements, and 433.7, International Fire Service Accreditation Congress (IFSAC) Seal.

This review will be conducted pursuant to Texas Government Code 2001.039. The commission will accept comments for 30 days following publication of this notice in the Texas Register as to whether the reasons for adopting these rules continue to exist.

The Texas Commission on Fire Protection, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at [info@tcfp.texas.gov](mailto:info@tcfp.texas.gov). Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the Texas Register and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

## PROPOSED RULE REVIEW

### Texas Commission on Fire Protection

<p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 435, concerning Fire Fighter Safety. Chapter 435 consists of <\*>435.1, Protective Clothing, <\*>435.3, Self-Contained Breathing Apparatus, <\*>435.5, Commission Recommendations, <\*>435.7, Fire Department Staffing Studies, <\*>435.9, Personal Alert Safety System (PASS), <\*>435.11, Incident Management System (IMS), <\*>435.13, Personnel Accountability System, <\*>435.15, Operating At Emergency Incidents, <\*>435.17, Procedures for Interior Structural Fire Fighting (2-In/2-Out Rule), <\*>435.19, Enforcement of Commission Rules, <\*>435.21, Fire Service Joint Labor Management Wellness-Fitness Initiative, <\*>435.23, Fire Fighter Injuries, <\*>435.25, Courage to be Safe So Everyone Goes Home Program, and <\*>435.27, Live Fire Training Structure Evolutions.

<p>This review will be conducted pursuant to Texas Government Code <\*> 2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.

<p>The Texas Commission on Fire Protection, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at [info@tcfp.texas.gov](mailto:info@tcfp.texas.gov). Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

## PROPOSED RULE REVIEW

### Texas Commission on Fire Protection

The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 437, concerning Fees. Chapter 437 consists of 437.1, Purpose and Scope, 437.3, Certification Fees, 437.5, Renewal Fees, 437.7, Standards Manual and Certification Curriculum Manual Fees, 437.11, Copying Fees, 437.13, Processing Fees for Test Application, 437.15, International Fire Service Accreditation Congress (IFSAC) Seal Fees, and 437.17, Records Review Fees.

This review will be conducted pursuant to Texas Government Code 2001.039. The commission will accept comments for 30 days following publication of this notice in the Texas Register as to whether the reasons for adopting these rules continue to exist.

The Texas Commission on Fire Protection, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at [info@tcfp.texas.gov](mailto:info@tcfp.texas.gov). Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the Texas Register and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

## PROPOSED RULE REVIEW

### Texas Commission on Fire Protection

<p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 443, concerning Certification Curriculum Manual. Chapter 443 consists of <\*>443.1, Curriculum Approval by the Fire Fighter Advisory Committee, <\*>443.3, Curriculum Approval by the Texas Commission on Fire Protection, <\*>443.5, Effective Date of New Curricula or Changes to Curricula Required by Law or Rule, <\*>443.7, Effective Date of New Curricula or Changes or Revision to Existing Curricula Which Are Voluntary, and <\*>443.9, National Fire Protection Association Standard.

<p>This review will be conducted pursuant to Texas Government Code <\*> 2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.

<p>The Texas Commission on Fire Protection, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at [info@tcfp.texas.gov](mailto:info@tcfp.texas.gov). Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

## PROPOSED RULE REVIEW

### Texas Commission on Fire Protection

The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 445, concerning Administrative Inspections And Penalties. Chapter 445 consists of 445.1, Entity Inspections, 445.3, Right of Access, 445.5, Duty to Comply; Enforcement, 445.7, Procedures, 445.9, Minor Violations, 445.11, Major Violations, 445.13, Disciplinary Hearings, 445.15, Judicial Enforcement, 445.17, Liability for Violations, and 445.19, Inspection Forms.

This review will be conducted pursuant to Texas Government Code 2001.039. The commission will accept comments for 30 days following publication of this notice in the Texas Register as to whether the reasons for adopting these rules continue to exist.

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## PROPOSED RULE REVIEW

### Texas Commission on Fire Protection

- <p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 447, concerning Part-Time Fire Protection Employee. Chapter 447 consists of <\*>447.1, Minimum Standards for Part-Time Fire Protection Employees, <\*>447.3, Minimum Standards for Advanced Levels of Part-Time Certification, and <\*>447.5, Permissible Hours of Work for Part-Time Fire Protection Employees.
- <p>This review will be conducted pursuant to Texas Government Code <\*> 2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.
- <p>The Texas Commission on Fire Protection, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at [info@tcfp.texas.gov](mailto:info@tcfp.texas.gov). Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

## PROPOSED RULE REVIEW

### Texas Commission on Fire Protection

- <p>The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 449, concerning Head of a Fire Department. Chapter 449 consists of <\*>449.1, Minimum Standards for the Head of a Fire Department, <\*>449.3, Minimum Standards for Certification as Head of a Suppression Fire Department, and <\*>449.5, Minimum Standards for Certification as Head of a Prevention Only Department.
- <p>This review will be conducted pursuant to Texas Government Code <\*> 2001.039. The commission will accept comments for 30 days following publication of this notice in the <eti>Texas Register<et> as to whether the reasons for adopting these rules continue to exist.
- <p>The Texas Commission on Fire Protection, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email at [info@tcfp.texas.gov](mailto:info@tcfp.texas.gov). Any proposed changes to the rules as a result of the review will be published in the Proposed Rules section of the <eti>Texas Register<et> and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.