

# TEXAS COMMISSION ON FIRE PROTECTION

July 11, 2012, 10:00 a.m.

1701 N. Congress Ave., William B. Travis Building, Room 1-104, Austin, Texas

1. Roll call – 10:00 a.m. “(including consideration of whether to excuse absences).”
2. Adoption of April 12, 2012, and May 11, 2012, commission meeting minutes.
3. The Budget and Strategic Plan subcommittees will meet on July 11, 2012 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, strategic plan and legislative appropriations request. 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, Safe-D, 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. 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 427, Training Facility Certification, Subchapter C, Training Programs for On-Site and Distance Training Providers, including but not limited to, §427.305, Procedures for Testing Conducted by On-Site and Distance Training Providers.
    2. Proposed amendments to 37 TAC, Chapter 431, Fire Investigation, Subchapter A, Minimum Standards for Arson Investigator Certification, including but not limited to, §431.9, Minimum Standards for Master Arson Investigator Certification.
    3. Proposed amendments to 37 TAC, Chapter 437, Fees, including but not limited to, §437.15, International Fire Service Accreditation (IFSAC) Seal Fees.
    4. Proposed amendments to 37 TAC, Chapter 439, Examinations for Certification, Subchapter A, Examinations for On-Site Delivery Training, including but not limited to, §439.1, Requirements-General, and §439.11, Commission-Designated Performance Skill Evaluations.
    5. Proposed new, 37 TAC, Chapter 455, Minimum Standards for Wildland Fire Protection Certification, including but not limited to new §455.1, Minimum

Standards for Wildland Fire Protection Personnel, new §455.3, Minimum Standards for Basic Wildland Fire Protection Certification, new §455.5, Minimum Standards for Intermediate Wildland Fire Protection Certification, and new §455.7, Examination Requirements.

6. Proposed new, 37 TAC, Chapter 457, Minimum Standards for Incident Safety Officer, including but not limited to new §457.1, Incident Safety Officer Certification, new §457.3, Minimum Standards for Incident Safety Officer Certification, and new §457.5, Examination Requirements.
- B. Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:**
1. Proposed amendments to 37 TAC, Chapter 441, Continuing Education, including but not limited to, §441.3, Definitions, §441.5, Requirements, §441.7, Continuing Education for Structure Fire Protection Personnel, §441.9, Continuing Education for Aircraft Rescue Fire Fighting Personnel, §441.11, Continuing Education for Marine Fire Protection Personnel, §441.13, Continuing Education for Fire Inspector Personnel, §441.15, Continuing Education for Arson Investigator or Fire Investigator, §441.17, Continuing Education for Hazardous Materials Technician, §441.19, Continuing Education for Head of a Fire Department, §441.21, Continuing Education for Fire Service Instructor.
  2. Proposed amendments to 37 TAC, Chapter 421, Standards For Certification, including but not limited to, §421.17, Requirement to Maintain Certification.
  3. Proposed amendments pursuant to Section 2001.039, Texas Government Code regarding rule review of 37 TAC, Chapter 401, Practice and Procedure, Subchapter A, General Provisions and Definitions, including, but not limited to, §401.5, Delegation of Authority, §401.11, Conduct of Commission and Advisory Meetings, and §401.13, Computation of Time, Subchapter B, §401.17, Requirements, and §401.19, Petition for Adoption of Rules, Subchapter C, Examination Appeals Process, §401.21, Examination Challenge, and §401.123, Examination Waiver Request, Subchapter D, Disciplinary Proceedings, §401.31, Disciplinary Proceedings in Contested Cases, Subchapter E, §401.41, Preliminary Staff Conference, §401.43, Prehearing Conferences, §401.45, Interim Orders, §401.47, Appeal of an Interim Order, and §401.49, Prehearing Statements, Subchapter F, Contested Cases, §401.51, Preliminary Notice and Opportunity for Hearing, Subchapter H, Reinstatement, §401.117, Commission Action Possible upon Reinstatement, and Subchapter I, Notice and Processing Periods For Certificate Applications, 401.121, Purpose of Establishing Time Periods, §401.123, Notice of Deficiency, and §401.125 Processing Periods new Subchapter J, Charges For Public Records, §401.129, Charges for Public Records, and new Subchapter K, Historically Underutilized Businesses, §401.131, Historically Underutilized Businesses.
  4. Proposed amendments pursuant to Section 2001.039, Texas Government Code regarding rule review of 37 TAC, Chapter 403, Criminal Convictions and Eligibility for Certification, including, but not limited to, §403.1, Purpose, §403.3 Scope, §403.5, Access to Criminal History Record Information, §403.9, Mitigating Factors, §403.11, Procedures for Suspension, Revocation, or Denial of a Certificate to Persons with Criminal Backgrounds, and §403.15, Report of Convictions by an Individual or a Department.
  5. Proposed amendments pursuant to Section 2001.039, Texas Government Code regarding rule review and repeal of 37 TAC, Chapter 405, Charges For Public Records, including, but not limited to, §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.

6. Proposed amendments pursuant to Section 2001.039, Texas Government Code regarding rule review and repeal of 37 TAC, Chapter 407, Administration, including, but not limited to, §407.1 Historically Underutilized Businesses.
- C. Report from the Testing and Curriculum Committee with discussion and possible action on amendments to the Certification Curriculum Manual, regarding new Chapter 10, Fire Department Safety Officer Curriculum, reference list and curriculum outline.
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
11. Discussion and possible action on proposed recommendations on fire fighter injury data collected for 2011 for inclusion in the annual report to be sent to the State Fire Marshal's Office.
12. Discussion and possible approval of the addition of classes or courses to the A List and B List for higher levels of certification.
13. 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.
14. Executive session pursuant to Government Code, Section 551.074, for the discussion of personnel matters: the appoint, 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 in this position.
15. Open session for further discussion and possible action regarding preceding agenda item.
16. 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.