

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

A. Discussion and possible final adoption of proposed amendments, new sections, and repeals as follows:

2. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 437, Fees.



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 04/28/2016

Agenda Item #: 11 A: #2

Agenda Title: Renewal Fee reduction

Action to be taken: Discussion and possible final adoption

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

The purpose of the proposed rule revision is to reduce the renewal fees for certification of fire protection personnel pursuant to a reduction in agency costs.

2. DESCRIPTION/ JUSTIFICATION

Agency costs were reduced by the 84th Texas Legislature, thus allowing the agency to consider reducing part of its fees for fire protection personnel.

3. BUDGET IMPACT

It is anticipated that there will be a slight decrease in revenue from fees the agency will collect.

4. TIMELINE CONSIDERATIONS

Proposed language is for possible final adoption.

5. RECOMMENDATION

Reviewed and forwarded as approved by FF Advisory Committee.

6. REFERENCES

Title 37, Part 13, Chapters 437, Texas Administrative Code.

CHAPTER 437

FEEES

§437.5 Renewal Fees.

- (a) A non-refundable annual renewal fee of ~~\$75~~ ~~[\$85]~~ 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 may collect only one renewal fee of ~~\$75~~ ~~[\$85]~~, which will renew all certificates held by the individual or certified training facility.
- (b) A regulated employing entity shall pay the renewal fee for each individual who is required to possess certification as a condition of employment.
- (c) If a person re-enters the fire service whose certificate(s) has been expired for less than one year, the regulated entity must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fees, the certificates previously held by the individual, for which he or she continues to qualify, will be renewed.
- (d) If a person wishes to renew a certificate(s) which has been expired less than one year and the individual is not employed by a regulated employing entity as defined in subsection (b) of this section, the individual must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fee(s), the certificate(s) previously held by the individual, for whom he or she continues to qualify, will be renewed.
- (e) Nothing in this section shall prohibit an individual from paying a renewal fee for any certificate which he or she is qualified to hold providing the certificate is not required as a condition of employment.
- (f) Certification renewal information will be sent to all regulated employing entities and individuals holding certification at least 60 days prior to October 31 of each calendar year. Certification renewal information will be sent to certified training facilities at least 60 days prior to February 1 of each calendar year.
- (g) If renewal payment is submitted by mail, all certification renewal fees must be submitted with the renewal invoice to the commission.
- (h) All certification renewal fees must be paid on or before the last day of the certification period (see subsection (i) of this section) to avoid additional fee(s).
- (i) The certification period shall be a period not to exceed one year. The certification period for employees of regulated employing entities, and individuals holding certification is November 1 to October 31. The certification period of certified training facilities is February 1 to January 31.
- (j) All certification renewal fees received from one to 30 days after the last day of the certification period will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of ~~\$37.50~~ ~~[\$42.50]~~ in addition to the renewal fee for each individual or training provider for which a renewal fee was due.
- (k) All certification renewal fees received more than 30 days after the last day of the certification period will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of ~~\$75~~ ~~[\$85]~~ in addition to the renewal fee for each individual or training provider for which a renewal fee was due.
- (l) In addition to any non-refundable late fee(s) assessed for certification renewal, the commission may hold an informal conference to determine if any further action(s) is to be taken.
- (m) An individual or entity may petition the commission for a waiver of the late fees required by this section if the person's certificate expired because of the individual or regulated 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.

- (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.
- (n) An individual, who is a military service member, or returning from activation to military service, must notify the commission in writing if the individual wishes to renew an expired certification. Provided other qualifications for renewal are met, the individual will have any normally associated late fees waived and will be required to pay a renewal fee of ~~\$75~~ ~~[\$85]~~.