

TFCA Legislative Report
March 5, 2015
Report

NEW BILLS ONLY

HB 1437 Turner, Sylvester(D) Relating to certain dedicated accounts in the general revenue fund that fund trauma facilities and emergency medical services.

Bill History: 02-16-15 H Filed

HB 1437 is related to certain dedicated accounts in the general revenue fund that fund trauma facilities and emergency medical services. There is language change from depositing of specific funding from “regional trauma account” to “designated trauma facility and emergency medical services.” All other language remains the same. The TFCA should remain **NEUTRAL** on this bill. DK

HB 1442 Workman, Paul(R) Relating to a property owner's right to remove a tree or vegetation that the owner believes poses a fire risk.

Bill History: 02-16-15 H Filed

HB 1442 is intended to allow property owners to remove trees that they feel is necessary in order to protect their property from fires and tree diseases, regardless of city or other political subdivision ordinances or rules. This appears to be the same legislation from the 83rd Legislature introduced by Representative Workman. At that time it was more about property rights than it was about fire protection. Until the rest of the story can be determined about this bill, the TFCA should remain **NEUTRAL** for now. Additional work will be done to see if in fact this is a bill that should be supported. SDK

HB 1547 Kuempel, John(R) Relating to the funding of emergency medical services and trauma care.

Bill History: 02-17-15 H Filed

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HB 1547 is related to the funding of emergency medical services and trauma care. It identifies the catastrophic emergency medical services account and unused monies from the reserve will be placed into this account at the end of each fiscal year. The TFCA should remain **NEUTRAL** for now. DK

HB 1620 Galindo III, Rick (F)(R) Relating to the prohibition of certain employment discrimination regarding an employee who is a volunteer emergency responder.

Companions: SB 612 Burton, Konni (F) (Identical)

2-23-15 S Introduced and referred to committee on Senate Natural Resources and Economic Develop

Bill History: 02-18-15 H Filed

HB 1620 is a companion bill to SB 612. This bill would prohibit an employer (50 or more employees) from terminating or suspending the employment of, or in any manner discriminating against an employee who is a volunteer emergency responder and who is absent or late to work because the employee is responding to an emergency in the employee's capacity as a volunteer emergency responder. This bill is in response to major incidents such as the West explosion or the Bastrop fires where an emergency has been declared by either the Governor or the President. It does not apply to the normal daily operations of a volunteer organization. This is a great step in protecting our volunteers during major incidents. The TFCA should **SUPPORT** this bill. PE

HB 1725 Stephenson, Phil(R) Relating to the composition of local boards of the Texas Emergency Services Retirement System.

Bill History: 02-20-15 H Filed

HB 1725 relates to the make-up of the Texas Emergency Services Retirement System Board in the event that there are no more Board Members or a lack of eligible Board Members. There is

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good language in the bill to protect the System and the qualifications of the Members. The TFCA should **SUPPORT** this bill. SS

HB 1749 Elkins, Gary(R) Relating to the organization of public employees.

Bill History: 02-20-15 H Filed

HB 1749 (amendment) basically cleans up some conflicting language by clarifying members of a police or fire department. It relates to cities greater than 10,000 population and deals specifically with the collection of dues, payroll deduction, meet and confer and absentee election processes. Again, this bill already deals with these interest it simply cleans up the language of the earlier filing. This bill will be discussed at length by the labor groups. The TCFA should remain **NEUTRAL** on this bill/amendment. LPE

HB 1750 Shaheen, Matt (F)(R) Relating to a prohibition on the issuance of certain capital appreciation bonds by local governments.

Companions: SB 103 Hinojosa, Chuy (Identical)
1-27-15 S Introduced and referred to committee on Senate Intergovernmental Relations

Bill History: 02-20-15 H Filed

HB 1750 is a companion bill to SB 103. It prohibits political subdivisions from using capital appreciation bonds that are secured by ad valorem taxes. As explained in the Texas Tribune: “With a capital appreciation bond, installment payments are not required for the duration of the bond. The district must, however, pay the entire principal plus years of compounded interest when the bond reaches maturity in 30 or 40 years. The avoidance of installment payments comes at the cost of higher interest, potentially as much as 10 times the amount borrowed compared with a traditional bond, according to public finance officials.” Capital appreciation bonds have

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primarily been used by school districts in Texas to finance new schools however some municipalities use them too. They are controversial because of the huge payment due at maturity (versus a traditional loan cost). This bill may be driven by the fiasco in California where schools and Cities went crazy using these bonds and wound up in dire financial straits. The TFCA should remain NEUTRAL for now but take our cue from TML's position on this. ML

HB 1756 Rodriguez, Eddie(D) Relating to the board of trustees of and distribution of certain benefits by a retirement system for firefighters in certain municipalities.

Bill History: 02-23-15 H Filed

HB 1756 is a bill relating to the board of trustees of and distribution of certain benefits by a retirement system for firefighters in certain municipalities. The updates to the bill:

1. Allows for appointment of a board member when only one nominee is given instead of holding a vote.
2. Allows for the board of trustees to establish requirements for beneficiaries.
3. Allows the board to adopt rules in relation to distribution of benefits including drop accounts.

The TCFA should remain **NEUTRAL** on this bill. JM

HB 1758 Zedler, Bill(R) Relating to the prosecution of the offense of obstruction or retaliation.

Bill History: 02-23-15 H Filed

HB 1758 intends to make it a crime for someone to obstruct justice or retaliate against a public servant. The bill text is rather wordy however the basis appears to protect all public servants from retaliation such as posting one's address on a web site with the intent of causing harm. At

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this time, until enough information to determine a position, the TFCA should remain **NEUTRAL** on this bill. MW

HB 1789 Marquez, Marisa(D) Relating to longevity pay for peace officers and firefighters in certain municipalities.

Bill History: 02-23-15 H Filed

HB 1789 intends to provide longevity pay for peace officers and firefighters in a population of 10,000 or greater. Specifically, it requires \$4.25 per year of service, per month up to 25 years of service. The TFCA should **SUPPORT** this bill. MW

HB 1790 Marquez, Marisa(D) Relating to job performance on behalf of a fire fighter or police officer during illness or injury.

Bill History: 02-23-15 H Filed

HB 1790 (amendment) adds the provision for the injured employee, police or fire, to return to work at the same position/level as when injured (basic stuff). It also provides a provision where another individual may fill the position on a voluntary basis. This is common in some departments where people cover for their fellow employees who are out on sick leave for extended periods of time. This recently occurred in a department in the metroplex. The TFCA should remain **NEUTRAL** on this bill. LPE

HB 1965 Paul, Dennis (F)(R) Relating to the calculation of the rollback tax rate of a taxing unit and voter approval of a proposed tax rate that exceeds the rollback tax rate.

Bill History: 02-26-15 H Filed

H.B. 1965 introduces an "inflation rate" into to the calculation of a taxing entities roll back rate. It replaces the 8% increase threshold for requiring a roll-back election with the inflation rate. In

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essence, entities cannot increase the tax rate above inflation rate without an election. This will have a HUGE impact on all taxing entities. TFCA should **OPPOSE** this bill. BB

HB 1970 Martinez, Armando(D) Relating to the establishment of the disaster identification system for a state of disaster.

Bill History: 02-26-15 H Filed

HB 1970 modifies Subchapter B, Chapter 418, Government Code to include an illumination system that survivors of a disaster would utilize to communicate to responders on needs and conditions of the survivors. This includes affixing a light to each surviving person and animal at that residence. Steady glow to indicate that they are okay. Blinking to indicate medical resources are needed. Colors of lights vary for men, women, children under 18 years of age, and animals. These lights would signal disaster relief personnel patrolling the area by air at night using the illumination system. This is a voluntary participation system. The TFCA should remain **NEUTRAL** on this bill. ML

HB 1971 Martinez, Armando(D) Relating to the requirements and protocols for the use of nighttime triage equipment by emergency medical services personnel.

Bill History: 02-26-15 H Filed

HB 1971 is related to requirements and protocols for the use of nighttime triage equipment by emergency medical services personnel. This bill does not identify any funding sources and may require EMS personnel to use lighted equipment. The TFCA should remain **NEUTRAL** for now pending additional information. DK

SB 103 Hinojosa, Chuy(D) Relating to a prohibition on the issuance of certain capital appreciation bonds by local governments.

Companions: HB 1750 Shaheen, Matt (F) (Identical)
2-20-15 H Filed

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Bill History: 11-10-14 S Filed
01-27-15 S Introduced and referred to
committee on Senate Intergovernmental
Relations

SB 103 is a companion bill to HB 1750. It prohibits political subdivisions from using capital appreciation bonds that are secured by ad valorem taxes. As explained in the Texas Tribune: “With a capital appreciation bond, installment payments are not required for the duration of the bond. The district must, however, pay the entire principal plus years of compounded interest when the bond reaches maturity in 30 or 40 years. The avoidance of installment payments comes at the cost of higher interest, potentially as much as 10 times the amount borrowed compared with a traditional bond, according to public finance officials.” Capital appreciation bonds have primarily been used by school districts in Texas to finance new schools however some municipalities use them too. They are controversial because of the huge payment due at maturity (versus a traditional loan cost). This bill may be driven by the fiasco in California where schools and Cities went crazy using these bonds and wound up in dire financial straits. The TFCA should remain **NEUTRAL** for now but take our cue from TML’s position on this. BB

SB 612 Burton, Konni (F)(R) Relating to the prohibition of certain employment discrimination regarding an employee who is a volunteer emergency responder.

Companions: [HB 1620](#) Galindo III, Rick (F) (Identical)
2-18-15 H Filed

Bill History: 02-17-15 S Filed
02-23-15 S Introduced and referred to
committee on Senate Natural Resources and
Economic Develop

SB 612 is a companion bill to HB 1620. This bill would prohibit an employer (50 or more employees) from terminating or suspending the employment of, or in any manner discriminating against an employee who is a volunteer emergency responder and who is absent or late to work because the employee is responding to an emergency in the employee’s capacity as a volunteer

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emergency responder. This bill is in response to major incidents such as the West explosion or the Bastrop fires where an emergency has been declared by either the Governor or the President. It does not apply to the normal daily operations of a volunteer organization. This is a great step in protecting our volunteers during major incidents. The TFCA should **SUPPORT** this bill. SS

SB 616 Burton, Konni (F)(R) Relating to eliminating authority of municipalities to annex for limited purposes.

Bill History: 02-17-15 S Filed
02-23-15 S Introduced and referred to committee on Senate Intergovernmental Relations

SB 616 is proposing prohibiting “Limited Purpose Annexation” by a municipality unless it is or was included in a municipality’s annexation plan. This would relate to a city annexing a portion of a water district for the purpose of taxation but not to include city services. TFCA should remain **NEUTRAL**. MW

SB 621 Estes, Craig(R) Relating to criminal offenses involving, and governmental liability for retaliatory prosecutions associated with, the filming, recording, photographing, documenting, or observing of a peace officer.

Bill History: 02-18-15 S Filed
02-23-15 S Introduced and referred to committee on Senate State Affairs

Senate Bill 621 provides protection for people that are filming a police officer during their official duties. This bill is broken into several sections affecting the civil practice and remedies code and the penal code. In the civil practices and remedies code, this bill adds language that allows for a person who was prosecuted or otherwise retaliated against for filming a police officer, the ability to have civil action taken against the governmental unit that made the charges. In the penal code, this bill does two things:

1. It provides a defense for prosecution for those filming the police officer.

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2. It makes it clear that a police officer instructing someone to stop filming is not a lawful order.

There appears to be no impact towards the fire service. The TFCA should remain **NEUTRAL** on this bill. KB

SB 691	Birdwell, Brian(R)	Relating to tuition and fee exemptions for certain students enrolled in fire science courses at public institutions of higher education.
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Bill History: 02-23-15 S Filed
02-25-15 S Introduced and referred to committee on Senate Higher Education

Senate Bill 691 makes some minor changes to the law that exempts firefighters from tuition related to fire science curriculums. The notable changes are wording related to volunteers. The previous version stated that volunteers had to have at least one year of active membership in a fire department that participated in the Texas Emergency Services Retirement System or a retirement system established under the Texas Local Fire Fighters Retirement Act.

The bill moves some of this language around and provides that tuition exemption for volunteers is as follows:

1. Must be active in an organized volunteer fire department for one year.
2. And holds an accredited advanced level of certification by the SFFMA
3. Holds a firefighter II certification under the TCFP voluntary certification program
4. Or, participates in one of the firefighter retirement programs.

The previous language had an “or” between 2 and 3, though this version would appear to require that you also be part of the TCFP voluntary certification program. The TFCA should **SUPPORT** this mill. KB

SB 710	Burton, Konni (F)(R)	Relating to the organization of a municipal government as a Liberty City general-law municipality.
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SB 710 allows new or current cities to incorporate as a Liberty City general law municipality. Issues include

1. If you are a Liberty city you cannot adopt or enforce zoning or a comprehensive long range plan.
2. Every budget must start as a zero based budget.
3. Voter requirements above majority (60%) for annexation and bond approvals.

Under a Liberty City it seems it would be hard to enforce a fire code or other rules based on this bill. The TFCA should **OPPOSE** this bill. JM

SB 761 Creighton, Brandon (F)(R) Relating to the taxation of fireworks.

Bill History: 02-25-15 S Introduced and referred to committee on Senate Finance
03-03-15 S Meeting set for 9:00 a.m., E1.036 Senate Finance
03-04-15 S Meeting set for 9:00 a.m., E1.036 Senate Finance

SB 761 repeals Chapter 161 of the Tax Code and eliminates the additional 2% tax on the sale of fireworks that was earmarked for the volunteer fire department insurance fund. In return, the comptroller would estimate the sales tax collected on the sale of fireworks, as defined by this chapter, and deposit 2% of that money into the volunteer fire insurance fund. If statistical data is not available to make an estimate, the comptroller may require the retailer to provide that information. This is similar to how the lubricants tax and sporting goods tax are distributed today. The current tax code places the additional 2% tax on fireworks. The money collected is reported separately from other sales taxes. All funds collected go to the volunteer fire department insurance fund. The proposed changes to Chapter 151 of the Tax code allow an amount up to 7% to be allocated to the administrative costs associated with the collection of this tax. Currently there are no administrative costs allocated from the funds collected under Chapter 161.

This bill could potentially result in a 7% loss of funding with the administrative costs removed. It also appears that the allocation of the funds would be complicated due to determining what sales taxes were collected for fireworks. And, there would be a reduction of 2% of the normal sales tax collected that goes to the general fund as those funds would now be diverted to the volunteer fire

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department insurance fund. Lastly, there would be a realized savings of 2% for the purchasers of fireworks due to the repeal of the fireworks tax. The TFCA should **OPPOSE** this bill. ML

February 26, 2015

[HB 548](#)

[Johnson, Eric\(D\)](#)

Relating to the consideration of criminal history record information regarding applicants for public employment.

Bill History:

12-18-14 H Filed
02-19-15 H Introduced and referred to committee on House Government Transparency and Operation

HB 548 would not allow “Local Government” to ask about an applicant’s criminal history on an initial application unless the applicant has direct contact or oversees services with children or unless required by law. The bill would not allow local government to ask questions about criminal history until the applicant is determined to be qualified for the position and has been given a conditional job offer. This bill would require us to waste time on applicants that could not be hired due to background issues that local governments will not be aware of until a conditional job offer has already been given. The TFCA should **OPPOSE** this bill. JM

[HB 958](#)

[Bohac, Dwayne\(R\)](#)

Relating to an increase in the amount of the residence homestead exemption from ad valorem taxation by a school district, a reduction of the limitation on the total amount of ad valorem taxes that may be imposed.

Companions:

[SB 515](#) Bettencourt, Paul (F) (Identical)

2-11-15 S Introduced and referred to committee on Senate Finance

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Bill History:

01-27-15 H Filed

HB 958 and SB 515 are companion bills. HB 958 is a complicated bill and would require a constitutional amendment. The bottom line here is that this bill only applied to school districts and doubles exemption from taxation by a school district from \$15,000 to \$30,000. It also essentially freezes the taxes by a school district on anyone disabled or over 65. Lastly, it would permit a school district to gain additional funding from the state if this law was to create a decrease in revenue. This bill does not have any immediate impact on the fire service and thus the TFCA should remain **NEUTRAL**. However, a spinoff of this bill could have an impact on cities and ESDs if its scope was widened. KB

[HB 1264](#)

[Wu, Gene\(D\)](#)

Relating to the preservation of toxicological evidence collected in connection with certain intoxication offenses.

Bill History:

02-10-15 H Filed

HB 1264 refers to blood or urine samples collected by “law enforcement agency, prosecutor's office, public hospital, or crime laboratory that is charged with the collection, storage, preservation, analysis, or retrieval of toxicological evidence.” This bill requires the samples to be maintained until:

- greater of 2 years or the statute of limitations (if not indicted)
- the indictment is dismissed or defendant acquitted
- or the duration of the sentence if convicted

Although this may prove to be a huge cost to Law Enforcement, it does not specifically impact the Fire Service. The TFC should remain **NEUTRAL** on this bill. BB

[HB 1338](#)

[Naishtat, Elliott\(D\)](#)

Relating to training for peace officers and first responders on acquired and traumatic brain injuries.

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Bill History:

02-11-15 H Filed

HB 1338 provides for training for police officers and first responders on effects and how to interact with individuals having a history of traumatic brain injury. The verbiage does not specify if this will be mandatory training, cost of delivery, or timeline for completion; simply that it will be offered. The Department of Public Safety is tasked to provide the training beginning September 1, 2017. The TFCA should remain **NEUTRAL** for now. DK

[HB 1352](#)

[Turner, Chris\(D\)](#)

Relating to the use of a wireless communication device while operating a motor vehicle.

Bill History:

02-12-15 H Filed

HB 1352 would make it illegal to use an electronic device while operating a vehicle. Exemptions include; using a hands free device, navigating using GPS, reporting illegal activity or summoning emergency help, reading a message the person believes to be an emergency and relaying info between operator and a dispatcher. Fire departments would be exempt under the condition of “an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity.” The TFCA should **SUPPORT** this bill. Also language should be considered to make sure volunteer responders in personal vehicle are treated the same as authorized emergency vehicle when on an active call or response. JM

[HB 1390](#)

[Thompson, Senfronia\(D\)](#)

Relating to remedies for discrimination by a public employer against a public employee in connection with a claim for workers' compensation.

Bill History:

02-12-15 H Filed

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HB 1390 is an amendment to the Labor Code which, if passed would provide a public employee the right to sue a public employer for workers compensation rights and claims. The bulk of this bill will be discussed at the TML table and therefore TFCA should remain **NEUTRAL**. LPE

[HB 1417](#)

[Elkins, Gary\(R\)](#)

Relating to peace officer identification cards.

Bill History:

02-13-15 H Filed

HB 1417 would require a law enforcement agency to issue a replacement card to a peace officer who has reported to their agency that it is lost or stolen. The TFCA should remain **NEUTRAL** on this bill. BW

[HB 1557](#)

[Alonzo, Roberto\(D\)](#)

Relating to creation of a search and rescue task force in each disaster field response region.

Bill History:

02-18-15 H Filed

HB 1557 alters government code chapter 418.043 by adding a paragraph that establishes a search and rescue team in each disaster district. It has been explained that the teams would be Type III teams. This would allow a quicker initial response in a region; and, would be additional resources to support the Task Force Teams already in place in Texas. The TFCA should **SUPPORT** this bill. ML

[HB 1641](#)

[Farias, Joe\(D\)](#)

Relating to the licensing and regulation of certain employees of fire protection sprinkler system contractors.

Bill History:

02-19-15 H Filed

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HB 1641 would require the SFMO to establish licensing requirements and testing for residential fire protection system installers where the system is a multiuse system. While this is a move in the right direction, the TFCA remain **NEUTRAL** at this time until additional information is obtained. BW

[HB 1647](#)

[Murphy, Jim\(R\)](#)

Relating to voter information provided by political subdivisions before an election to authorize the issuance of bonds.

Bill History:

02-19-15 H Filed

HB 1647 requires political subdivisions to provide a great amount of factual and comparative information to voters before an election to provide for bonds to be issued. Where this is a very conservative minded bill providing important information to voters, it is extreme in the scope of the information required. It takes transparency to new heights. The TFCA should remain **NEUTRAL** on this bill. PE

[HB 1666](#)

[Bonnen, Dennis\(R\)](#)

Relating to the liability of certain persons for damages arising from training exercises to prepare the persons to respond to certain emergencies.

Bill History:

02-19-15 H Filed

HB 1066 will provide an opportunity for relief of liability for the person or entity that provides training for a person that is training to respond to a fire or an emergency. It also identifies that there is liability for the person or entity that is reckless. This is in response to the LODD incident that occurred in Beaumont. The TFCA should **SUPPORT** this bill. SS

[HB 1707](#)

[Stephenson, Phil\(R\)](#)

Relating to the methods by which a political subdivision may submit contributions to the

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Bill History:

02-20-15 H Filed

Under HB 1707, in addition to electronic funds transfer, contributions would also be allowed by wire transfer and automatic clearinghouse withdrawal (ACH). TFCA should **SUPPORT** this bill.
PE

[HB 1708](#)

[Stephenson, Phil\(R\)](#)

Relating to tuition and fee exemptions for certain students enrolled in fire science courses at public institutions of higher education.

Bill History:

02-20-15 H Filed

HB1708 relates to tuition exemption for students enrolled in fire science courses in public institutions of higher education. HB1708 currently requires a volunteer to be an active member for one year of an organized volunteer fire department participating in the Texas Emergency Services Retirement System or a retirement system established under the Texas Local Fire Fighters Retirement Act. The introduced bill proposes to remove the language requiring the participation of a retirement system. TFCA should **SUPPORT** this bill. BP

[SB 343](#)

[Huffines, Donald \(F\)\(R\)](#)

Relating to the conformity of local law with state law.

Bill History:

01-23-15 S Filed
02-02-15 S Introduced and referred to committee on Senate State Affairs

SB 343 has been introduced and has been assigned to the State Senate Affairs committee. The purpose of the bill proposes that if the State passes a statute related to any subject, the local jurisdiction must adhere and may not pass ordinances or local rules that contradict this bill. If the

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bill is passed by a majority vote it will become effective immediately. If the bill does not receive a 2/3 majority, it will become effective September 1, 2015. The TFCA should **OPPOSE** this bill.
MW

[SB 515](#) [Bettencourt, Paul \(F\)\(R\)](#) Relating to an increase in the amount of the residence homestead exemption from ad valorem taxation by a school district, a reduction of the limitation on the total amount of ad valorem taxes that may be imposed.

Companions:

[HB 958](#) Bohac, Dwayne (Identical)

1-27-15 H Filed

Bill History:

02-10-15 S Filed
02-11-15 S Introduced and referred to committee on Senate Finance

SB 515 and HB 958 are companion bills. SB 515 is a complicated bill and would require a constitutional amendment. The bottom line here is that this bill only applied to school districts and doubles exemption from taxation by a school district from \$15,000 to \$30,000. It also essentially freezes the taxes by a school district on anyone disabled or over 65. Lastly, it would permit a school district to gain additional funding from the state if this law was to create a decrease in revenue. This bill does not have any immediate impact on the fire service and thus the TFCA should remain **NEUTRAL**. However, a spinoff of this bill could have an impact on cities and ESDs if its scope was widened. KB

[SB 538](#) [Schwertner, Charles\(R\)](#) Relating to the control of infectious diseases.

Bill History:

02-10-15 S Filed
02-18-15 S Introduced and referred to

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SB 538 is a lengthy bill that appears to provide for granting the Governor authority by executive order to declare a state of infectious disease emergency when an imminent threat is identified and after consultation with the Commissioner of State Health Services. The bill additionally provides for law enforcement authority under a declaration of infectious disease emergency, public health authority, and notification of first responders with individuals and basic contact information. This seems to provide for some protection to agencies with limited PPE through early notification. This is a lengthy bill with multiple points. The TFCA should remain **NEUTRAL** until potential impact of points of interest can be better evaluated. The TFCA should anticipate changing the recommendation to Support in the near future once additional information is found. DK

[SB 570](#)

[Estes, Craig\(R\)](#)

Relating to the use of fireworks at certain Texas Department of Transportation rest areas.

Companions:

[HB 397](#) Sheffield, J.D. (Identical)

2-16-15 H Introduced and referred to committee on House Transportation

Bill History:

02-13-15 S Filed

02-18-15 S Introduced and referred to committee on Senate Transportation

SB 570 is the companion bill to HB 397. It allows County Commissioner to require TxDOT to restrict the use of fireworks at TxDOT rest stops in that county. “The commission by order shall prohibit or restrict the use of fireworks at a state highway rest area in the unincorporated area of a county on the petition of the commissioners court of the county.” Notice the wording is “shall” not “may”. This can be interpreted that if the County asks, Commission WILL restrict the use of fireworks. The County is responsible for posting signage at the rest stop. This is to address the problem of counties banning use of fireworks but folks shooting them off on “State” property (rest stops) in that county. The TFCA should **SUPPORT** this bill. BB

February 19, 2015 Report

HB 1 Otto, John(R) General appropriations bill.

Bill History: 02-09-15 H Filed

HB 1 is the House's budget proposal for the 2016-2017 biennium fiscal years. Unlike it did during the 83rd Legislative Session, the House of Representatives for the 84th Legislative Session is not proposing a rider of \$3 million for the *Texas Commission on Fire Protection*. The House has removed this "hidden tax on firefighters". The TFCA should **SUPPORT** this bill as it is written at this time. SDK

HB 942 Kacal, Kyle(R) Relating to the storage of certain hazardous chemicals.

Companions: SB 528 Birdwell, Brian (Identical)
2-10-15 S Filed

Bill History: 01-26-15 H Filed

HB 942 is a companion to SB 528. Both add language requiring reporting of ammonium nitrate, providing inspection rights of state agencies, and penalties for noncompliance. The TFCA should **SUPPORT** this bill. BW

HB 957 Bohac, Dwayne(R) Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

Bill History: 01-27-15 H Filed

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HB 957 is a companion to HJR 71. Both of these seek to impose limits on homestead appraisal values. This has been on the table since 2003. If passed this could result in cities seeing revenue shortfalls thus forcing a higher reliance on state sales tax and income taxes. The TFCA should **OPPOSE** this legislation. MW

HB 973 Hernandez, Ana(D) Relating to the compensation and per diem compensation of emergency services commissioners.

Bill History: 01-27-15 H Filed

HB 973 raises the limits provided for entitled compensation or per diem compensation for ESD commissioners from \$50/day and \$3000/annually to \$150 per day and \$7200 per year. This appears to be a local option for the ESD commissioners of each individual District. This only changes the limit to the amount of compensation they may be entitled to and not a mandated cost to the Districts. The TFCA should **SUPPORT** this bill. PE

1090 Herrero, Abel(D) Relating to exemption of certain firefighters and peace officers from jury service.

Bill History: 02-02-15 H Filed

HB 1090 would give an exemption for jury duty to any individual who is a paid police officer, paid fire fighter, police chief, or fire chief. Generally jury duty is not an issue that interrupts our business any worse than other businesses. Also this is a civic duty that the fire service should not be exempted from. However, the TFCA should remain **NEUTRAL** on this bill. JM

HB 1094 Geren, Charlie(R) Relating to workers' compensation death benefit eligibility for certain spouses of first responders killed in the line of duty.

Bill History: 02-03-15 H Filed

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HB 1094 is a spin-off or wave of the West and Harris County tragedies. It basically states that the current (in the event the individual remarried) spouse of a first responder killed in the line of duty is due the same benefits as the previously named individual or beneficiary would. The TFCA should remain **NEUTRAL** on this bill. LPE

HB 1099	Johnson, Eric(D)	Relating to the prosecution of certain offenses involving the delivery or possession of controlled substances and other prohibited drugs, substances, or paraphernalia.
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Bill History: 02-03-15 H Filed

HB 1099 is relating to non-prosecution of individuals who are requesting assisting for someone who has drug overdosed, providing the individual is the first to call for assistance, remains on scene and cooperates with law enforcement and EMS and is not manufacturing drugs. Since this is primarily a law enforcement bill, the TFCA remain **NEUTRAL** on this bill. BW

HB 1147	Kacal, Kyle(R)	Relating to the operation of all-terrain vehicles and recreational off-highway vehicles.
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Bill History: 02-04-15 H Filed

House Bill 1147 provides for the use of all-terrain vehicle use on a public street, road or highway that is not an interstate or limited access highway for fire and EMS. The law as it is today provides this privilege to peace officer, farmers and utility workers. This bill simply adds fire and EMS so long as it is in connection with their official duty. The TFCA should **SUPPORT** this bill. KB

HB 1150	White, James(R)	Relating to the sale of fireworks on and before certain holidays.
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Bill History: 02-05-15 H Filed

HB 1150 seeks to increase the number of days during the year that fireworks can be sold and used. The sale of fireworks is currently limited to July 4th, New Years, and Cinco de Mayo (within 100 miles of the border). This bill will allow the sale of Fireworks for these additional Holidays:

- Texas Independence Day (March 2)
- San Jacinto Day (April 21)
- Memorial Day (last Monday in May)

Seeing as fireworks is directly related to fires and injuries, and the use of fireworks puts additional strain on many rural fire departments, the TFCA should **OPPOSE** this bill. BB

HB 1178 Isaac, Jason(R) Relating to the enforceability of certain restrictive covenants governing the use of fuel on and supply of fuel to property in certain subdivisions or other planned developments.

Bill History: 02-05-15 H Filed

HB 1178 will prohibit a subdivision or neighborhood association from adopting a covenant that requires the use of a particular source of fuel and the requirement to purchase the fuel from a particular vendor. On the surface this appears to be a prohibition for homeowner's association powers. Provided fuel and gas codes are followed the TFCA should remain **NEUTRAL** on this bill. However additional discussion is needed with the sponsor. ML

HB 1220 Laubenberg, Jodie(R) Relating to a property right in certain DNA samples.

Companions: SB 475 Kolkhorst, Lois (F) (Identical)
2-10-15 S Introduced and referred to committee on Senate State Affairs

Bill History: 02-09-15 H Filed

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HB 1220 is identical to SB 475. It relates to property rights regarding DNA samples. It seems to be consistent with common privacy laws. The TFCA should remain **NEUTRAL** on this bill. DK

HB 1233 Springer, Drew(R) Relating to persons authorized by law to conduct certain fire safety inspections and training.

Bill History: 02-09-15 H Filed

HB 1233 allows for fire safety inspections by volunteer firefighters that are members of a volunteer fire department and have been trained to do fire inspections. This is similar to a bill that was introduced during the 83rd Legislature. The TFCA has been in conversation with the SFFMA since last legislative session regarding the introduction of this bill during the 84th Legislative Session. There is however currently an issue with the language in the bill as it has been introduced. The TFCA should remain **NEUTRAL** at this time and continue to work with the SFFMA on the language. SDK

HB 1243 Fletcher, Allen(R) Relating to the reinstatement of a firefighter or police officer following a decision rendered by the Fire Fighters' and Police Officers' Civil Service Commission or an independent third party hearing examiner.

Bill History: 02-09-15 H Filed

HB 1243 is a civil service bill for Chapter 143 cities. Historically the TFCA has remained **NEUTRAL** on any bills related to Civil Service, Chapter 143 cities. Some might think this stance should be on a case by case basis. Until determined otherwise by the leadership and executive board, TFCA should maintain a **NEUTRAL** position on this Bill. Note: this in no way prevents a department, city or Chief Officer from opposing the bill individually. LPE

HB 1278 Hughes, Bryan(R) Relating to the amount of financial assistance paid to the survivors of certain law

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Companions: SB 436 Lucio, Eddie (Identical)

2- 9-15 S Introduced and referred to
committee on Senate State Affairs

Bill History: 02-10-15 H Filed

HB 1278 is a companion bill to SB 436. The enactment of this bill will amend the Government Code raise the amount of money paid to eligible survivors of firefighters who are killed in the line of duty. The TFCA should **SUPPORT** this bill. SDK

HB 1381 Moody, Joe(D)

Relating to the employment of certain peace officers, detention officers, county jailers, or firefighters who are injured in the course and scope of duty.

Bill History: 02-12-15 H

HB 1381 is proposing an employer may not discharge, indefinitely suspend, or terminate from employment based on the person's inability to perform the duties for which the person was elected, appointed, or employed because of the person's injury before the person is certified as having reached maximum medical improvement. The employer who violates this is liable for reasonable damages and the employee is entitled to reinstatement. The burden of proof in a proceeding is placed on the employee. TFCA should remain **NEUTRAL** on this bill. BP

HB 1388 Bohac, Dwayne(R)

Relating to certain diseases or illnesses suffered by firefighters and emergency medical technicians.

Bill History: 02-12-15 H Filed

HB 1388 eliminates a lot of language defining what on duty activity affects presumptive legislation for myocardial infarction or stroke. The TFCA should carefully review the language on this bill to make sure nothing is lost in the presumptive legislation by simplifying the language. For now, the TFCA should remain **NEUTRAL** but be prepared to take a position. DK

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HJR 71 Bohac, Dwayne(R) Proposing a constitutional amendment to authorize the legislature to set a lower limit on the maximum appraised value of a residence homestead for ad valorem taxation.

Bill History: 01-27-15 H Filed

HJR 71 is a companion to HB 957. Both of these seek to impose limits on homestead appraisal values. This has been on the table since 2003. If passed this could result in cities seeing revenue shortfalls thus forcing a higher reliance on state sales tax and income taxes. The TFCA should **OPPOSE** this legislation. MW

SB 2 Nelson, Jane(R) General Appropriations Bill for the 2016-2017 biennium.

Bill History: 01-27-15 S Filed
01-27-15 S Introduced and referred to committee on Senate Finance
02-02-15 S Meeting set for 10:00 a.m., E1.036 Senate Finance

SB 2 is the Senate's budget proposal for the 2016-2017 biennium fiscal years. As it did during the 83rd Legislative Session, the Senate for the 84th Legislative Session is proposing a rider of \$3 million for the *Texas Commission on Fire Protection*. As with the past few legislative years, this is a "hidden tax on firefighters". The Texas Fire Chiefs Association is working on a "grass root" effort to contact the members of the Senate Finance Committee, as well as other Texas Senators, to voice concerns with this "hidden fee". The TFCA should **OPPOSE** this bill as it is written at this time. SDK

SB 436 Lucio, Eddie(D) Relating to the amount of financial assistance paid to the survivors of certain law enforcement officers, firefighters, and other public employees killed in the line of duty.

Companions: HB 1278 Hughes, Bryan (Identical)

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Bill History: 02-03-15 S Filed
02-09-15 S Introduced and referred to
committee on Senate State Affairs

SB 436 is a companion bill to HB 1278. The enactment of this bill will amend the Government Code raise the amount of money paid to eligible survivors of firefighters who are killed in the line of duty. The TFCA should **SUPPORT** this bill. SDK

SB 475 Kolkhorst, Lois (F)(R) Relating to a property right in certain DNA samples.

Companions: [HB 1220](#) Laubenberg, Jodie (Identical)
2- 9-15 H Filed

Bill History: 02-06-15 S Filed
02-10-15 S Introduced and referred to
committee on Senate State Affairs

SB 475 is identical to HB 1220. It relates to property rights regarding DNA samples. It seems consistent with common privacy laws. The TFCA should stay **NEUTRAL** on this bill.

SB 528 Birdwell, Brian(R) Relating to the storage of certain hazardous chemicals.

Companions: [HB 942](#) Kacal, Kyle (Identical)
1-26-15 H Filed

Bill History: 02-10-15 S Filed

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SB 528 is a companion to HB 942. Both add language requiring reporting of ammonium nitrate, providing inspection rights of state agencies, and penalties for noncompliance. The TFCA should **SUPPORT** this bill. BW

February 5, 2015 Report

[HB 910](#)

[Phillips, Larry\(R\)](#)

Relating to the authority of a person who is licensed to carry a handgun to openly carry a holstered handgun.

Companions: [SB 346](#) Estes, Craig (Identical)
1-23-15 S Filed

Bill History: 01-23-15 H Filed

HB 910 proposes allowing licensed hand gun carriers to carry their hand gun concealed in a holster. There is a companion bill SB 346 by Craig Estes and it is the same language. The TFCA should remain **NEUTRAL** on this bill. MW

[HB 922](#)

[Leach, Jeff\(R\)](#)

Relating to the authority of a person who is licensed to carry a handgun to openly carry the handgun.

Bill History: 01-26-15 H Filed

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HB 922 is very similar to HB 910 except that it calls for allowing the handgun to be either concealed or unconcealed. There is no companion bill at this time. The TFCA should remain **NEUTRAL** on this bill. MW

[HB 924](#)

[Guillen, Ryan\(D\)](#)

Relating to the authority of a county to adopt a fire code.



Companions: [HB 684](#) Sheets, Kenneth (Identical)
1-13-15 H Filed
[SB 327](#) Hinojosa, Chuy (Identical)
1-21-15 S Filed

Bill History: 01-26-15 H Filed

Current law allows for Counties (or Counties adjacent to Counties) with a population of over 250,000 to adopt and enforce a Fire Code. This bill would remove the population requirement. It will give ANY county the authority to adopt and enforce a Fire Code. Prevention has shown to be effective and more cost efficient than fighting an actual fire. The TFCA should **SUPPORT** this bill. BB

[HB 928](#)

[Guillen, Ryan\(D\)](#)

Relating to state and local planning for and responses to drought.



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Companions: [SB 329](#) Hinojosa, Chuy (Identical)
1-21-15 S Filed

Bill History: 01-26-15 H Filed

HB 928 is proposing new requirements for drought preparedness and response. The bill includes requirements for suppliers to update drought contingency plans at least once every five years, and monitor for new drought response technology. SB 329 is companion legislation to this bill. The TFCA should remain **NEUTRAL** on this bill. BP

[SB 329](#)

[Hinojosa, Chuy\(D\)](#)

Relating to state and local planning for and responses to drought.

Companions: [HB 928](#) Guillen, Ryan (Identical)
1-26-15 H Filed

Bill History: 01-21-15 S Filed

SB 329 is proposing new requirements for drought preparedness and response. The bill includes requirements for suppliers to update drought contingency plans at least once every five years, and monitor for new drought response technology. HB 928 is companion legislation to this bill. The TFCA should remain **NEUTRAL** on this bill. BP

[SB 346](#)

[Estes, Craig\(R\)](#)

Relating to the authority of a person who is licensed to

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Companions: [HB 910](#) Phillips, Larry (Identical)
1-23-15 H Filed

Bill History: 01-23-15 S Filed

SB 346 proposes allowing licensed hand gun carriers to carry their hand gun concealed in a holster. HB 910 is a companion bill. SB 346 by Craig Estes and it is the same language. The TFCA should stay **NEUTRAL** on this bill. MW

January 27, 2014 Report

HB 764

King, Susan(R)

Relating to the use, collection, and security of health care data collected by the Department of State Health Services.

Bill History: 01-16-15 H Filed

HB 764 directs the Texas Healthcare Information Council or their designee to remove all identifying information from medical data collected for the Department of State Health Services. It also prevents the sale of said data, insures best practices for handling the data and informs the individual of why the information is being taken and what entity is collecting the data. There is also cyberattack verbiage to include safeguards and disclosure.

After speaking with Rep. King's Chief of Staff, it is apparent this bill is directed at agencies that directly upload patient information to the Texas Healthcare Information Council (THIC). Those agencies would include ambulatory surgical centers as well as inpatient and outpatient hospitals. It is not intended to affect first responders or transporting service providers, and they are checking the language to make sure that is the case.

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Overall, as a citizen, this is a good bill that protects privacy and data collected from patients. As a Fire Chief, this bill should have no detrimental effects on our industry and add no burden to our personnel. The TFCA should **SUPPORT** HB 764. PE

SB 327

Hinojosa, Chuy(D)

Relating to the authority of a county to adopt a fire code.

Companions: [HB 684](#) Sheets, Kenneth (Identical)
1-13-15 H Filed

Bill History: 01-21-15 S Filed

Current law allows for Counties (or Counties adjacent to Counties) with a population of over 250,000 to adopt and enforce a Fire Code. This bill would remove the population requirement. It will give ANY county the authority to adopt and enforce a Fire Code. Prevention has shown to be effective and more cost efficient than fighting an actual fire. The TFCA should **SUPPORT** this bill. BB

January 21, 2014 Report

[HB 684](#)

[Sheets, Kenneth\(R\)](#)

Relating to the authority of a county to adopt a fire code.

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Bill History:

01-13-15 H Filed

Current law allows for Counties (or Counties adjacent to Counties) with a population of over 250,000 to adopt and enforce a Fire Code. This bill would remove the population requirement. It will give ANY county the authority to adopt and enforce a Fire Code. Prevention has shown to be effective and more cost efficient than fighting an actual fire. The TFCA should **SUPPORT** this bill. BB

[HB 737](#)

[Aycock, Jimmie Don\(R\)](#)

Relating to the creation of regional emergency communications districts.

Bill History:

01-15-15 H Filed

HB 737 allows for the creation of regional emergency communications districts in counties with a population between 4,500 and 311,000; authorizing the issuance of bonds; authorizing a fee. This is similar to what CAPCOG did in their 10 county region in Central Texas. The TFCA should **SUPPORT** this bill. JM

[HB 748](#)

[Isaac, Jason\(R\)](#)

Relating to the regulation of liquid propane gas tanks on residential property.

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Bill History:

01-15-15 H Filed

HB 748 proposes that a home owners association, municipal government, and county government not be able to restrict a property owner from installing an above ground propane tank so long as it is of reasonable size for the home. The homeowner may be required to screen the tank if required by any of the agencies. This may impact agreements between utility companies (gas companies) and the local agencies. Also, the proposed language does not allow or require any regulation of tank or the installation. This will also impact local agencies zoning ordinances. The TFCA should **OPPOSSE** the bill as it is currently written. BW

January 14, 2014 Report

[HB 550](#)

[Price, Four\(R\)](#)

Relating to the provision of health and human services in this state, including the powers and duties of the Health and Human Services Commission and other state agencies, and the licensing of certain health professionals.

Companions:

[SB 219](#) Schwertner, Charles (Identical)

12-19-14 S Filed

Bill History:

12-19-14 H Filed

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HB 550 addresses changes with Health and Human Services and is a companion bill to SB 219. With the recent deaths of infants placed in Foster Care homes or facilities under the direction of CPS or Family Protective Services several bills of this nature may be coming forward. For the most part HB 550 is wording changes offered as most correct or politically correct in today's society. A lot of language is cleaned up but not many if any changes noted in this amendment pertaining to firefighters. TFCA should remain **NEUTRAL** on this bill. LPE

[SB 219](#)



[Schwertner, Charles\(R\)](#)

Relating to the provision of health and human services in this state, including the powers and duties of the Health and Human Services Commission and other state agencies, and the licensing of certain health professionals.

Companions:

[HB 550](#) Price, Four (Identical)

12-19-14 H Filed

Bill History:

12-19-14 S Filed

SB 219 addresses changes with Health and Human Services and is a companion bill to HB 550. SB 219 cleans up a lot of language such as intellectual disability [~~mental retardation~~]. It does however drill down the department of Human Health Services and minor discussion of State Health Services Division. In the 2500+ pages there is not any reference to fire service or EMS personnel that causes a concern. TFCA should remain **NEUTRAL** on this bill. LPE

December 26, 2014 Report

[HB 539](#)

[King, Phil\(R\)](#)

Relating to the procedural requirements for the adoption of a municipal regulation, limitation, or prohibition on the production, storage, or transportation of oil or natural gas.

Bill History: 12-17-14 H Filed

This bill appears to be a deterrent for municipalities or other political subdivisions to pass an oil or gas measure which would result in regulating, limiting, or prohibiting the production, storage, or transportation of oil or gas.

If a municipality begins the process to pass an oil or gas measure they must first prepare a fiscal note describing the loss of revenue to the local and state coffers. In addition the city shall prepare an impact statement regarding equalized education funding losses.

Should a political subdivision pass an oil or gas measure then the fiscal losses shall be paid to the state for a period of five years an amount equal to the lost revenue. The money will go to the general fund of the state and to the foundation school fund.

The bill will also require that the city provide the fiscal note describing the lost revenues, education funding impact statement, and a description of the local impact to the maintenance and operations budget to voters. Any increase in, or creation of any new taxes to offset the lost revenue shall also be listed and provided to voters prior to passing an oil or gas measure.

This bill does not remove local decision making ability regarding oil and gas production, storage, or transportation. Yet it would seriously impact local budgets by forcing the city to pay the lost revenue to the state comptroller office for five years. TFCA should remain **NEUTRAL** on this bill. ML

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December 18, 2014 Report

[HB 365](#)

[Elkins,
Gary\(R\)](#)

Relating to the calculation of the ad valorem rollback tax rates of certain taxing units.

Companions:

[SB 182](#) Bettencourt, Paul (Identical)
11-13-14 S Filed

Bill History:

11-24-14 H Filed

HB 365 is the companion document to SB 182 regarding “the calculation of the ad valorem rollback tax rates of certain taxing units.” Both pieces are identical, with the SB intended to move forward first. There is the possibility there is some language that will be changing. This legislation needs watching as it may have impact on revenue. The TFCA should remain **NEUTRAL** on HB 365 at this time. DK

[HB 479](#)

[Bell, Cecil\(R\)](#)

Relating to transfer of the regional emergency medical dispatch resource centers program to the Commission on State Emergency Communications.

Bill History:

12-09-14 H Filed

HB 479 allows the *Commission on State Emergency Communications* to administer a program where emergency medical dispatchers in regional emergency medical dispatch centers are available to provide life-saving and other emergency medical instructions to persons who need

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guidance while awaiting the arrival of emergency medical personnel. The dispatch centers will not replace what is on the ground but assist those that do not have the ability to provide these instructions. Funding could come from grants, from the State of Texas or from fees for services from PSAP's that contract with these enters for services. The TFCA should **SUPPORT** this HB 479. JM

[SB 156](#)

[Nichols,
Robert\(R\)](#)

Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

Bill History:

11-10-14 S Filed

SB 156 is a proposal to limit or cap property taxable values. While a reduction in taxation is always favorable, it also limits many opportunities for additional funding needed to maintain service levels. Seeing that they would affect so many ESD's and even some fire departments the TFCA remain **NEUTRAL** on both of these proposed measures. LPE

[SB 182](#)

[Bettencourt,
Paul\(R\)](#)

Relating to the calculation of the ad valorem rollback tax rates of certain taxing units.

Companions:

[HB 365](#) Elkins, Gary (Identical)

11-24-14 H Filed

Bill History:

11-13-14 S Filed

SB 182 is the companion document to HB 365 regarding "the calculation of the ad valorem rollback tax rates of certain taxing units." Both pieces are identical, with the SB intended to move forward first. There is the possibility there is some language that will be changing. This

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legislation needs watching as it may have impact on revenue. The TFCA should remain **NEUTRAL** on SB 182 at this time. DK

[SJR 14](#)

[Nichols,
Robert\(R\)](#)

Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of a residence homestead for ad valorem tax purposes to 105 percent or less of the appraised value of the property.

Bill History:

11-10-14 S Filed

SJR-14 is a proposal to limit or cap property taxable values. While a reduction in taxation is always favorable, it also limits many opportunities for additional funding needed to maintain service levels. Seeing that they would affect so many ESD's and even some fire departments the TFCA remain **NEUTRAL** on both of these proposed measures. LPE

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[HB 396](#)

[McClendon, Ruth Jones\(D\)](#)

Relating to the state minimum wage, including adjustments based on the consumer price index and authorization for a county or municipality to establish a local minimum wage.

Bill History:

11-26-14 H Filed

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HB 396 sets minimum wage requirements for both counties and cities. The TFCA should remain **NEUTRAL** on this bill. PE

[HB 397](#)

[Sheffield, J.D.\(R\)](#)

Relating to the use of fireworks at certain Texas Department of Transportation rest areas.

Bill History:

11-26-14 H Filed

HB 397 has several issues which could arise from its passage as presented.

1. Why would the law only apply to certain rest areas and not all?
2. Who would be responsible for enforcement? If a County does not have an appointed Fire Marshal and / or Fire Code adopted , would the enforcement then become the responsibility of a County law enforcement officer (i.e. Deputy Sheriff, Constable) and / or a State law enforcement officer (i.e. State Trooper)?
3. TEXDOT regulates signage (i.e. size, wording, color, location, etc.) prohibiting the use of fireworks that are erected along state highways where you typically find them before entering a city with an ordinance for such. Why would the County be held responsible for erecting signs at these rest areas? This should most likely be the responsibility of the State since the signs are going to be erected on State ROW and the property is maintained by the State.
4. Should there be legislation also written into the bill that make the offense greater than a Class C misdemeanor if a fire resulting from the use of fireworks damages and / or destroys property?

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TFCA should remain **NEUTRAL** at this time while continuing to get information from Counties that have ordinances already adopted on the use of fireworks in unincorporated areas before making a final judgment on this bill. JD

[HB 417](#)

[Pickett, Joe\(D\)](#)

Relating to information regarding the storage of certain hazardous chemicals.

Bill History:

12-01-14 H Filed

House Bill 417 provides new language to several codes, mostly related to ammonium nitrate storage facilities. Of interest to us is the overt language that allows access to the facility by a fire marshal and or fire department. This access is granted for pre-fire planning and code enforcement. This bill also provides language requiring tier two reports to be funneled down from the State to local jurisdiction fire department and appropriate local emergency planning committees. The tier two reports must be filed within 72 hours of beginning operation, has a reportable addition or change in chemical weight range. Another 72 hours is provided for these reports to funnel down from the state to the AHJ. Currently there is not any mandate for the fire service, though the effort of this bill appears to be put emphasis on the AHJ being notified and provided access for inspections and pre-planning purposes. TFCA should be **NEUTRAL** at this time, but wait to see what other companion bills are put forth. KB

November 24, 2014 Report

[HB 50](#)

[Martinez, Armando\(D\)](#)

Relating to certain diseases or illnesses

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Bill History:

11-10-14 H Filed

HB 50 is proposing modification to expand the presumptive illness benefits from stroke and acute myocardial infarction as well as adding certain contagious diseases. Prior to these proposed modifications the firefighter or emergency medical technician had to be engaged in “non-routine stressful or strenuous physical activity” during the course of training or actual incidents. All of this language has been removed and now simply calls for coverage if the firefighter or EMT was on duty. The contagious disease inclusion is all new language and covers specific diseases such as AIDS, HIV, Hep B or C if the employee regularly responded to calls involving bodily fluids. There also is inclusion of MRSA if the responder has a documented exposure. The employer may rebut the disease or illness based upon a preponderance of evidence. This clause has not changed. TFCA should **SUPPORT** this legislation. ML

HB 60

Martinez, Armando(D)

Relating to firefighters and emergency medical technicians who bring certain claims for benefits or compensation.

Bill History:

11-10-14 H Filed

HB 60 provides a provision for firefighters or EMS technicians who on becoming employed or during employment as a firefighter or emergency medical technician, received a physical examination that failed to reveal evidence of the illness or disease for which benefits or compensation would have been available to file a claim up to 5 years after the anniversary of the termination date for illnesses such as cancer or asbestos exposure/related illness; or for one year from the anniversary date of termination for other illnesses. The previous bill indicates that no limits or timeframe is spelled out for such claims. HB 60 is introduced in the form of an amendment to Section 607.052 by adding the limitation subsection. I believe this bill supports

our initiative to seek assistance for our members who retire only to find that an illness not previously detected followed them (9-11 responders are a prime example). But, also places a cap on such claims. TFCAL should **SUPPORT** this bill. LPE

HB 64 **Lucio III, Eddie(D)** **Relating to the use of a portable wireless communication device while operating a motor vehicle.**

Companions:

HB 80 Craddick, Tom **(Identical)**
11-10-14 H Filed

HB 214 Harless, Patricia
(Identical)
11-10-14 H Filed

SB 25 Zaffirini, Judith **(Identical)**
11-10-14 S Filed

Bill History:

11-10-14 H Filed

HB 64 makes the use of portable wireless communication device illegal while operating a motor vehicle. The bill provides for education and testing of the distraction of portable devices while testing for a driver’s license. The bill makes use of a portable device illegal unless you 1) are making a phone call 2) using hands free or voice operated technology 3) Using GPS navigation 4) reporting illegal activity or an emergency 5) reading a text that is believed to be emergency 6) using an affixed device to relay information between an operator and a dispatcher in the course of normal duties. The bill has an exemption for operators of authorized emergency of law

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enforcement vehicles. This may not cover volunteer firefighter's use in personal vehicles. TFCA should **SUPPORT** the bill, but it may require small changes regarding volunteer firefighters. JM

HB 72 **Goldman, Craig(R)** **Relating to a prohibition on the sale or transfer of certain law enforcement vehicles before removal of certain equipment and insignia.**

Bill History:

11-10-14 H Filed

HB 72 is specific to law enforcement selling a "marked patrol car" or "law enforcement motor vehicle". It requires that all insignia's and devices that could cause the public to mistake the vehicle as a law enforcement vehicle to be removed prior to sale to the public. In addition to removing all insignia and emergency equipment, it specifically includes antennas, spot lights and the "outline of an emblem". This does not apply to the sale of said vehicles to anyone other than the "public". TFCA remain **NEUTRAL** on this bill. BW

HB 80 **Craddick, Tom(R)** **Relating to the use of a portable wireless communication device while operating a motor vehicle.**

Companions:

HB 64 Lucio III, Eddie **(Identical)**
11-10-14 H Filed

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Bill History:

11-10-14 H Filed

HB 80 makes the use of portable wireless communication device illegal while operating a motor vehicle. The bill provides for education and testing of the distraction of portable devices while testing for a driver's license. The bill makes use of a portable device illegal unless you 1) are making a phone call 2) using hands free or voice operated technology 3) Using GPS navigation 4) reporting illegal activity or an emergency 5) reading a text that is believed to be emergency 6) using an affixed device to relay information between an operator and a dispatcher in the course of normal duties. The bill has an exemption for operators of authorized emergency of law enforcement vehicles. This may not cover volunteer firefighter's use in personal vehicles. TFCA should **SUPPORT** the bill, but it may require small changes regarding volunteer firefighters. JM

HB 103

Guillen, Ryan(D)

Relating to the authority of certain volunteer firefighter and emergency services organizations to hold tax-free sales or auctions.

Companions:

HB 105 Guillen, Ryan (Identical)

11-10-14 H Filed

SB 31 Zaffirini, Judith (Identical)

11-10-14 S Filed

Bill History:

11-10-14 H Filed

HB 103 would allow certain Volunteer Fire Departments to hold a limited amount of sales and or auctions per year and they would not have to be responsible for the sales tax. This would be limited to 10 per year. TFCA should **SUPPORT** this bill. SS

HB 105

Guillen, Ryan(D)

Relating to the authority of certain volunteer firefighter and emergency services organizations to hold tax-free sales or auctions.

Companions:

HB 103

Guillen, Ryan (Identical)

11-10-14 H Filed

SB 31

Zaffirini, Judith (Identical)

11-10-14 S Filed

Bill History:

11-10-14 H Filed

HB 105 would allow certain Volunteer Fire Departments to hold a limited amount of sales and or auctions per year and they would not have to be responsible for the sales tax. This would be limited to 10 per year. TFCA should **SUPPORT** this bill. SS

HB 120

Flynn, Dan(R)

Relating to the purchase of food and beverages by the Texas Division of Emergency Management for certain division personnel.

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Bill History:

11-10-14 H Filed

HB 120 allows the use of appropriated funds to purchase food and beverage for division personnel who are activated to provide services in response to a disaster and are unable to leave or required to remain at their assignment areas due to the disaster. This seems to be a basic care issue for personnel working in critical disaster scenarios. If TDEM can find a way to adequately manage the appropriated funding, it should be a good program. TFCA should **SUPPORT** this bill. PE

HB 152

Harless, Patricia(R)

Relating to the authority of the voters of certain counties to authorize the county to regulate the sale and use of fireworks.

Bill History:

11-10-14 H Filed

HB 152 is specific to counties with a population of 3.3 million or more. It allows the commissioners court to put to vote to prohibit or regulate the sale or use of fireworks in the unincorporated areas of said county. Section (e) and (f) are a bit confusing in that each section applies to persons violating the prohibition or regulation. Section (e) violation is a civil penalty of not more than \$100 for each violation, and section (f) states it is a class C misdemeanor. Section (g) states that the adoption of this does not limit any other authority that the county may have regarding regulating and enforcing fireworks, and is cumulative of that authority. TFCA should **SUPPORT** this bill, but also work towards reducing the county population that this would apply to and also cleaning up sections (e) and (f). BW

HB 170

Alvarado, Carol(D)

Relating to regulation of vapor products.

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Bill History:

11-10-14 H Filed

HB 170, authored by Rep. Alvarado, is simply an amendment to Chapter 161 Health and Safety Code. Specifically, it addresses adding language to the current code that prohibits the sale and or possession of Electronic cigarettes and vapor products associated with electronic cigarettes, to anyone under the age of 18 and provides for penalties for violators. TFCAL should remain **NEUTRAL** on this bill. MW

HB 214

Harless, Patricia(R)

Relating to the use of a portable wireless communication device while operating a motor vehicle.

Companions:

<u>HB 64</u>	Lucio III, Eddie	(Identical)
	11-10-14 H Filed	
<u>HB 80</u>	Craddick, Tom	(Identical)
	11-10-14 H Filed	
<u>SB 25</u>	Zaffirini, Judith	(Identical)
	11-10-14 S Filed	

Bill History:

11-10-14 H Filed

HB 214 makes the use of portable wireless communication device illegal while operating a motor vehicle. The bill provides for education and testing of the distraction of portable devices while testing for a driver's license. The bill makes use of a portable device illegal unless you 1)

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are making a phone call 2) using hands free or voice operated technology 3) Using GPS navigation 4) reporting illegal activity or an emergency 5) reading a text that is believed to be emergency 6) using an affixed device to relay information between an operator and a dispatcher in the course of normal duties. The bill has an exemption for operators of authorized emergency of law enforcement vehicles. This may not cover volunteer firefighter's use in personal vehicles. TFCA should **SUPPORT** the bill, but it may require small changes regarding volunteer firefighters. JM

HB 237

Springer, Drew(R)

Relating to the licensure or certification of volunteer firefighters and members of industrial emergency response teams.

Bill History:

11-11-14 H Filed

HB 237 is the same bill that appeared at the end of the 83rd Legislative Session. However, the introduction of this bills appears to be confusing from many of the Texas Fire Service stakeholders. Therefore a meeting is being held by the TFCA on December with these stakeholders to discuss this particular piece of legislation in particular and the Texas Fire Service in general. TFCA should remain **NEUTRAL** on this bill until further information is obtained. SDK

HB 239

Springer, Drew(R)

Relating to storage of flammable liquids at retail service stations in unincorporated areas and certain municipalities.

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Bill History:

11-11-14 H Filed

HB 239 alters Section 753.004 of the Health and Safety Code to remove a capacity limit on aboveground storage tanks (AST)s at retail service stations. The current limit is 4,000 gallons of gasoline, diesel fuel or kerosene per tank. The retail service station may have one 4,000 gallon tank for each separate grade of gasoline, diesel fuel or kerosene, but not more than one tank for the same grade. The current 4,000 gallon limit is extremely lenient toward retail service stations. Even though this only affects unincorporated areas and municipalities with a population of less than 5,000, the current limit in place should not be removed. TFCA should **OPPOSE** this bill.
PE

HB 353

King, Ken(R)

Relating to the application of certain weapons laws to certain volunteer emergency services personnel licensed to carry a concealed handgun.

Bill History:

11-20-14 H Filed

HB 353 would amend Penal Code 30.06; 46.01, 46.02, 46.03, 46.035 and 46.15 to allow VOLUNTEER firefighters and EMS personnel who have a concealed handgun license to essentially carry it anywhere despite notices that handguns are prohibited (i.e. gives them the same authority as peace officer in regards to carrying weapons). This will apply only to Counties with less than 50,000. It does NOT state that this is only during performance of duty. This is anytime- if you are a volunteer, you can carry your CHL gun with you anywhere/anytime essentially. The intent of the law is to allow Volunteer Fire and EMS to carry “on-duty” and not be in violation of state law when they enter certain premises (racetracks, private businesses that post the “no handgun” sign etc.). This is a re-hash of a law introduced last session. In the past the TFCA has opposed these bills in the belief that arming Fire and EMS on-duty is problematic. TFCA should **OPPOSE** this bill. BB

SB 25 **Zaffirini, Judith(D)** **Relating to the use of a portable wireless communication device while operating a motor vehicle.**

Companions:

HB 64 Lucio III, Eddie **(Identical)**
11-10-14 H Filed

HB 214 Harless, Patricia
(Identical)
11-10-14 H Filed

Bill History:

11-10-14 S Filed

SB 25 makes the use of portable wireless communication device illegal while operating a motor vehicle. The bill provides for education and testing of the distraction of portable devices while testing for a driver's license. The bill makes use of a portable device illegal unless you 1) are making a phone call 2) using hands free or voice operated technology 3) Using GPS navigation 4) reporting illegal activity or an emergency 5) reading a text that is believed to be emergency 6) using an affixed device to relay information between an operator and a dispatcher in the course of normal duties. The bill has an exemption for operators of authorized emergency of law enforcement vehicles. This may not cover volunteer firefighter's use in personal vehicles. TFCA should **SUPPORT** the bill, but it may require small changes regarding volunteer firefighters. JM

SB 31 **Zaffirini, Judith(D)** **Relating to the authority of certain volunteer firefighter and emergency services organizations to hold tax-free sales or auctions.**

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SB 31 would allow certain Volunteer Fire Departments to hold a limited amount of sales and or auctions per year and they would not have to be responsible for the sales tax. This would be limited to 10 per year. TFCA should **SUPPORT** this bill. SS