

**Self-Evaluation Report
To the Sunset Advisory Commission**



Texas Commission on Fire Protection

August 2007

TABLE OF CONTENTS

I.	Agency Contact Information.....	1
II.	Key Functions and Performance.....	1
III.	History and Major Events.....	8
IV.	Policymaking Structure.....	10
V.	Funding.....	15
VI.	Organization.....	20
VII.	Guide to Agency Programs.....	23
	Fire Safety Information and Education Programs	23
	Compliance	28
	Curriculum and Test Development.....	37
	Test Administration and Course Approval	43
	Certification	50
	Administer Grant Program.....	57
VIII.	Statutory Authority and Recent Legislation	62
IX.	Policy Issues	64
X.	Other Contacts	68
XI.	Additional Information	70
	Complaints Data.....	70
	HUB Data.....	70
	EEO Data	73
XII.	Agency Comments.....	75
	Attachments	76

Texas Commission on Fire Protection Self-Evaluation Report

I. Agency Contact Information

A. Please fill in the following chart.

Texas Commission on Fire Protection Exhibit 1: Agency Contacts				
	Name	Address	Telephone & Fax Numbers	E-mail Address
Agency Head	Gary L. Warren, Sr.	1701 N. Congress Ave. Suite 1-105	512-936-3813 512-936-3814 fax	gary.warren@ tcfp.state.tx.us
Agency's Sunset Liaison	Jake Soteriou	1701 N. Congress Ave. Suite 1-105	512-936-3820 512-936-3808 fax	jake.soteriou@ tcfp.state.tx.us

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of your agency's mission, objectives, and key functions.
--

The Texas Commission on Fire Protection is one of many state and local agencies that make up the Texas fire protection community. The commission's statutory authority and role within this community is to serve Texas fire departments by:

- *providing resources* to Texas fire departments with critical equipment and training needs, and
- *establishing and enforcing standards* for fire protection personnel training, certification, protective clothing, self-contained breathing apparatus, breathing air and standard operating procedures.

Providing fire protection resources

- The **fire department emergency program** provides grants and low-interest loans to Texas fire departments with critical equipment and training needs. The commission distributes approximately \$1 million per year to Texas fire departments through this program.
- The **Ernest A. Emerson Fire Protection Resource Library** provides fire protection research and educational materials to Texas fire departments, schools and the general public. The library's collection of audiovisual materials is available for circulation to the public. The library also provides research assistance on fire protection issues.

Establishing and enforcing fire protection standards

- The commission's **certification section** certifies approximately 26,000 fire protection personnel in Texas. State law requires paid fire protection personnel to be certified by the commission. Volunteers and individuals not affiliated with a paid or volunteer department can choose to be certified by the commission on a voluntary basis. The commission certifies fire protection personnel to multiple levels (basic, intermediate, advanced and master) in several different disciplines, including: structure fire protection, aircraft rescue fire protection, marine fire protection, fire and arson investigation, fire instructor, fire inspector, fire chief, fire officer, hazardous materials technician and driver-operator/pumper. Additionally, the commission certifies more than 200 training facilities and regulates more than 800 fire departments, airports and other agencies involved with fire suppression, fire prevention, fire investigation and code compliance.
- The commission's **curriculum development and testing program** develops the certification curricula and test banks for each of the commission's certifications. The program staff works closely with an advisory committee, the Curriculum and Testing Committee, to ensure that all curricula are current and in conformance with all adopted National Fire Protection Association (NFPA) Standards and any applicable laws, and that the test questions on the commission's certification exams match the job performance requirements mandated in the applicable NFPA Standards.
- The commission's **testing and training approval section** annually administers over 9,000 written and performance examinations for fire service personnel certification. The testing and training approval staff evaluates prior training completed by individuals coming from out of state to determine whether the individuals are eligible to sit for the commission examination. The testing and training approval staff also evaluates and approves more than 800 training programs administered to Texas fire fighters.
- The goal of the commission's **compliance program** is to ensure the safety of the state's fire protection personnel by inspecting fire departments and other regulated entities to see that they are in compliance with state laws and rules. The commission's compliance officers travel to every regulated entity at least once every two years to inspect fire protection personnel certifications, training records, breathing air test records, protective clothing, self-contained breathing apparatus and standard operating procedures. If a department is found to be in violation of a state law or commission rule, the compliance section works with the entity to develop a plan that will lead to compliance.

B. Do each of your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?

The Texas Commission on Fire Protection is the only agency, state or federal, that has authority to adopt and enforce industry standards for protective clothing, self-contained breathing apparatus (SCBA), personal alert safety systems (PASS), personal accountability systems, incident management systems, and fire protection personnel operating at emergency incidents.

The commission is the only state agency ensuring the safety of paid fire fighters in the State of Texas. The commission ensures that fire fighters receive a level of training that enables them to demonstrate competence to the applicable National Fire Protection Association (NFPA) Standard. The commission ensures the departments provide and maintain personal protective equipment (PPE) that meets NFPA Standards. The commission also ensures that the fire fighters' self-contained breathing apparatus meets the NFPA Standard and is maintained in accordance with the manufacturers' specifications. The commission ensures that each fire fighter completes a minimum number of continuing education (CE) hours each year to maintain their proficiency and to renew their certifications. The commission ensures the departments develop standard operating procedures (SOPS) for emergency operations and maintenance of equipment and they train their personnel to follow them. The safety of the fire fighters is paramount to their ability to provide an acceptable level of service to the citizens of the State of Texas.

The commission's compliance program ensures that regulated entities provide fire protection personnel with the required training and protective equipment in order to perform rescue and fire fighting operations without undue risk of injury. Required standard operating procedures provide fire protection personnel with documented procedures that ensure a measure of safety while performing rescue and fire fighting operations. Without commission inspection and enforcement there would be no assurance that entities would continue to provide training, provide and maintain protective equipment and have standardized operating procedures. The safety of fire protection personal could be compromised if this service was no longer provided.

The fire department emergency program provides fire suppression equipment and training to fire departments with critical needs. This program provides scholarships, grants and low interest loans to eligible fire departments and public fire fighting organizations across the state. When it was first established, the program was the only state-level resource for addressing fire departments' self-identified critical needs. In recent years, particularly since Sept. 11, 2001, several other state and federal funding sources have become available to fire departments. However, the timeliness with which the commission is able to provide funds, and the facility with which Texas fire departments can qualify for and access the funds, keeps the program particularly helpful and relevant in addressing critical needs. Without the program, fire departments may not be able to acquire equipment and training vital to the safety of their fire protection personnel or the citizens in their communities.

The commission's resource library is critical not only to the commission's work in setting standards to ensure the safety of fire protection personnel, but it also provides a valuable resource for the commission's fire service constituents. The resource library provides educational and instructional materials to assist fire departments with training in preparation for emergency/disaster situations. It is the only resource library dedicated specifically to the fire service in the state of Texas. Without it, the level of training and the health and safety of Texas fire protection personnel could be compromised.

C. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?

The number of injuries and fire related deaths among certified fire fighters per annum is minimal. Without the requirements for fire departments to train and to provide acceptable personal protective equipment (PPE) and self-contained breathing apparatus (SCBA), these numbers could and would be higher. Ideally, the fire service strives for zero injuries and deaths; however, fire service operations are inherently dangerous.

The agency continues to meet all performance measures and objectives.

D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions? Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?

The commission's enabling statute is Chapter 419 of the Texas Government Code. The agency recommends considering the removal or relocation of Chapter 419, Subchapter F, Review of Fire Department Tests, to Chapter 21 of the Texas Labor Code because the subchapter applies to duties assigned to the Texas Workforce Commission's Civil Rights Division.

The agency has not recommended any changes to the Legislature regarding its enabling statutes.

E. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

The commission exclusively provides several services to the state:

- The commission develops curricula and certification examinations based on national standards. A fire fighter must complete a curriculum and pass a commission exam to be eligible to work in a fire protection discipline.
- The commission processes applications for basic certifications, processes applications for higher-levels of certification and renews certifications for the fire service.
- The commission inspects fire departments to ensure they provide and maintain the equipment necessary to perform the required services in the safest manner.
- The commission's library has a unique collection of fire service-specific materials.

The name of the commission, incorporating as it does the very broad term, "fire protection," can sometimes be misleading to those who are not familiar with the commission's duties. The commission currently, in its simplest terms, is basically a licensing agency that performs compliance inspections to verify compliance with state law. There are, however, many aspects to the state's involvement with "fire

protection” that the commission does *not* perform, which are instead handled by other state or federal agencies. For example:

- The commission regulates the certification and training of fire fighters and inspects their personal protective equipment, but has no jurisdiction or authority in the event of a fire fighter injury or death. The commission assists the State Fire Marshal’s Office (SFMO), a division of the Texas Department of Insurance, in the investigation of line-of-duty deaths (LODDs), but has neither the resources, authority or personnel to lead the investigations.
- Similarly, the commission does not administer benefits in the event of injuries or deaths, is not in charge of the investigations, nor does it maintain or provide a list of resources that are available to the fire fighter or the fire fighter’s family. (A list of such resources is maintained by the Texas Forest Service.)
- Members of the general public as well as industry representatives, often approach the commission for information regarding fire extinguishers, fire sprinklers, fire alarm systems and fireworks, which are all regulated by the SFMO. The SFMO also administers the Texas Fire Incident Reporting System (TEXFIRS) to gather statewide information about the number and type of incidents to which the fire service responds.
- Additionally, the commission does not have any statutory authority with regard to building or fire codes, which generally fall under the authority of local jurisdictions. (In areas not covered by a local authority, the SFMO generally has jurisdiction.)
- The commission does not provide training. Several other agencies do, including the Texas Forest Service (which coordinates statewide wildfire response), the Emergency Services Training Institute (ESTI - the state’s largest fire training facility and a division of the Texas A&M System), and several community colleges.
- One area of potential duplication of services is the commission’s Fire Department Emergency Program, which provides approximately \$1 million annually in emergency funds to Texas fire departments. The Texas Forest Service (TFS) administers a variety of fire department funding and resource- and equipment-providing programs. The goals of the programs are similar; however, the program requirements and target recipients are a little different. The commission works closely with the TFS to ensure that funds do not overlap. (At each funding committee meeting, and on each application for FDEP funds, the commission reviews funding previously received by applicant departments to ensure that services are not duplicated.)
- Since Sept. 1, 2001, several federal programs have made more funds available to fire departments. Generally, these programs distribute funds for larger-scale efforts than those for which the commission’s program are intended.

The commission has excellent working partnerships with the SFMO, TFS, TEEX-ESTI, and other fire service entities. Representatives of other fire service entities are invited to participate in every commission meeting to discuss issues which confront the fire service.

F. In general, how do other states carry out similar functions?

Other states are similar to Texas in that the broad scope of fire protection services fall under many different authorities.

With regard to one of the commission's primary functions—the certification of fire protection personnel—national standards do exist, and the certifying entities of fire protection personnel in most states (and in other countries, as well) are accredited by the International Fire Service Accreditation Congress (IFSAC). IFSAC's Certificate Assembly:

...provides accreditation to entities that certify the competency of and issue certificates to individuals who pass examinations based on the National Fire Protection Association (NFPA) fire service professional qualifications and other standards approved by the Assembly.

In 2004, there were 58 IFSAC Certificate Assembly member entities worldwide. Participation in IFSAC provides third-party verification that the commission's testing and certification processes meet nationally recognized standards.

On the other hand, the commission is unique among state-level fire protection oversight agencies in that working members of the fire service and the public constitute the entire membership of the state's rulemaking authority. The commission's makeup and structure, which statutorily requires the participation of the major fire service interest groups, provides virtually continuous input from the fire service to improve the safety and training of fire protection personnel.

G. What key obstacles impair your agency's ability to achieve its objectives?

The agency has two major operating expenses: the fire department emergency program and personnel costs. The remainder of the budget - the agency's operating budget and travel expenses - accounts for roughly 13 percent of the agency's overall budget. This amount represents the agency's "cost of doing business," including items such as utilities, paper, computers, telephones, etc.

The agency's budget appropriations have not matched the increasing demand for agency services. For example, the number of fire protection personnel certified by the commission increased by 25 percent between 2001 and 2006, from approximately 20,000 to 26,000. The agency has experienced similar increases in the number of course approvals, and the number of certification examinations administered by the agency more than doubled between 2000 and 2005, from 3,700 to almost 9,900.

Mandates in recent years to inspect additional fire department items and standard operating procedures have increased the demands on the agency's six compliance inspectors. The list of inspected items (including SCBA, training records, etc.) has grown to include PASS devices and SOPs for OSHA's two-in/two-out rule, operating at emergency incidents, incident management and personnel accountability.

Newly adopted commission rules regarding fire fighter fitness and wellness have created additional demands on fire departments, and have created an additional SOP for the compliance inspectors to review.

The number of curricula and test banks, which relate directly to the number of different certifications offered, have also increased significantly since 2002. The commission has adopted entirely new curricula for fire investigators, fire inspectors, and fire service instructors. The commission now has 17 curricula in place.

H. Discuss any changes that could impact your agency's key functions in the future (e.g., changes in federal law or outstanding court cases).

The federal Department of Homeland Security may eventually require **all** fire protection personnel, both paid and volunteer, to be trained and/or certified to a specific level. The commission's statute currently requires all paid personnel in the state to meet National Fire Protection Association (NFPA) standards. However, volunteer fire fighters in Texas are not required by state statute to meet any standards.

I. What are your agency's biggest opportunities for improvement in the future?

Without additional funding and personnel, opportunities for improvement are severely limited. Additional funding and support for improvements in the agency's information technology, particularly in the areas of online testing and fee payments, will provide the best opportunity to advance the commission's mission.

Currently, for example, the commission's testing personnel must travel to, or ship materials to and from testing sites throughout the state to administer certification examinations. The commission currently administers over 9,000 exams annually, more than doubling the workload for the agency's four-person testing staff in recent years, with no matching increase in funding or personnel for the effort.

J. In the following chart, provide information regarding your agency's key performance measures included in your appropriations bill pattern, including outcome, input, efficiency, and explanatory measures.

Texas Commission on Fire Protection Exhibit 2: Key Performance Measures C Fiscal Year 2006			
Key Performance Measures	FY 2006 Target	FY 2006 Actual Performance	FY 2006 % of Annual Target
Percentage of Total Amount Requested for Loans/Grants Compared with Requests Awarded	24%	31.8%	133%
Percentage of Inspected Fire Certificate holders with No Recent Violations	95%	92%	97%
Number of Fire Service Personnel Certified	23,000	26,155	114%

III. History and Major Events

Provide a timeline of your agency's history, and key events, including:

- **the date your agency was established;**
- **the original purpose and responsibilities of your agency;**
- **major changes in responsibilities or statutory authority;**
- **changes to your policymaking body's name or composition;**
- **significant changes in state/federal legislation, mandates, or funding;**
- **significant state/federal litigation that specifically affects your agency's operations; and**
- **key changes in your agency's organization (e.g., a major reorganization of the agency's divisions or program areas).**

- 1969 - The Commission on Fire Protection Personnel Standards and Education was created by the 61st Legislature. The authority for the commission was originally codified as Article 4413(35), VTCS.
- 1989 - The functions of the Fire Department Emergency Board were authorized under constitutional amendment House Joint Resolution 33. The emergency board was originally established under House Bill 708, 71st Legislature, Regular Session, as an "adjunct" to the State Fire Marshal's Office, to provide grants, loans and scholarships to fire departments for fire protection training, equipment and facilities.
- 1991 - Senate Bill 383, 72nd Legislative Session, merged the Texas Commission on Fire Protection Personnel Standards and Education with the State Fire Marshal's Office and the Key Rate Section, which were administered by the Texas Department of Insurance. The legislation also assigned the Fire Department Emergency Board to the expanded commission. The newly consolidated agency was renamed the Texas Commission on Fire Protection to reflect its broader scope. A study by the Texas Sunset Advisory Commission during the 72nd Legislative Session concluded that the commission should have additional authority in the form of a volunteer standards and certification program.
- 1993 - The 73rd Legislature's Senate Bill 1110 revised several key areas of the commission's statutes. The bill delineated distinctions between volunteer, part-paid and full-paid fire departments and fire fighters, provided a "bridge" to allow volunteer fire fighters to become paid fire fighters, and required that entities providing fire protection to local governments for profit comply with commission regulations.
- 1997 - The commission was subject to review by the Sunset Advisory Commission during the 75th Legislative Session. Senate Bill 371, the commission's sunset legislation, revised the commission's scope considerably. Among the changes enacted was the return of the State Fire Marshal's Office to the Texas Department of Insurance. SB 371 also abolished the commission's authority to conduct key rate inspections, in response to the Texas Department of Insurance's 1997 repeal of the key rate system in Texas. (TDI replaced the key rate system with the Insurance Services Office's *Fire Suppression Rating Schedule*). Additionally, SB 371 transferred the agency's engineering assistance program, which was designed to assist fire departments with the transition to the *Fire Suppression Rating Schedule*, to TDI. The commission's sunset legislation allowed the Fire Department Emergency Program to remain with the agency. The size of the

agency was reduced from 145 to 35 FTEs.

- 2001 - The 77th Legislature passed Senate Bill 382, which significantly refined several areas of the commission's statute relative to fire fighter safety. The bill addressed personal protective equipment and self-contained breathing apparatus, requiring departments to develop and maintain standard operating procedures covering the proper use, selection, care and maintenance of all protective clothing and self-contained breathing apparatus. The bill also required fire departments to provide all personnel with a Personal Alert Safety System (PASS). Additionally, the bill required departments to develop, based upon National Fire Protection Association (NFPA) standards, standard operating procedures (SOPs) relating to Incident Management Systems, Personnel Accountability Systems, and Fire Protection Personnel Operating at Emergency Incidents.
- 2003 – The 78th Legislature reduced the agency's budget approximately \$650,000 per year and the size of the agency by three FTEs.
- 2005 - The 79th Legislature passed Senate Bill 879 amending Chapter 419, Texas Government Code to delete obsolete language as well as giving the commission the right to make non-substantive clerical changes to its rules without review by the fire fighter advisory committee. In addition, the bill added a requirement stating that all fire departments seeking funding from the Fire Department Emergency Program must routinely and consistently report incidents to the Texas Fire Incident Reporting System (TEXFIRS) and participate in the National Incident Management System (NIMS).
- 2007 – The 80th Legislature increased the size of the agency by one FTE, to 33. House Bill 2484 changed the composition of the funds allocation advisory committee, reducing the members appointed by the State Firemen's and Fire Marshals' Association (SFFMA) and the Texas State Association of Fire Fighters (TSAFF) from three members each to two, and giving the Texas Fire Chiefs Association (TFCA) authority to appoint two members.

IV. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

Texas Commission on Fire Protection Exhibit 3: Policymaking Body			
Member Name	Term/ Appointment Dates/ Appointed by ___ (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	City
Kelley Stalder, Presiding Officer	May 1995 – Feb 2009	Volunteer fire fighter	Parker
Juan J. Adame, Assistant Presiding Officer	May 1995 – Feb 2007	Fire chief, pop. >50,000	Austin
David Abernathy, Secretary	May 1995 – Feb 2007	Volunteer fire chief	Pittsburg
Les Bunte	Sept 2006 – Feb 2009	Fire protection instructor	Austin
Juanita (Jane) Solis Burch	Sept 2006 – Feb 2009	Public member	Arlington
Elroy Carson	Sept 2006 – Feb 2011	Public member	Ransom Canyon
Chris Connealy	Sept 2006 – Feb 2011	Fire chief, pop. <50,000	Cedar Park
Marvin Dawson	May 1995 – Feb 2007	Arson investigator	Brownfield
Yusuf Elias Farran	Sept 2006 – Feb 2009	Public member	El Paso
John Kelly Gillette, III	Sept 2006 – Feb. 2011	Fire protection engineer	Frisco
Arthur (Art) Pertile, III	Jan 2002 – Feb. 2007	Public member	Waco
John W. Riddle	Sept 2006 – Feb 2011	Fire fighter, pop. <50,000	Conroe
G. Kent Worley	Jan 2002 – Feb 2009	Fire fighter, pop. >50,000	Fort Worth

B. Describe the primary role and responsibilities of your policymaking body.

The policymaking body of the Texas Commission on Fire Protection is a 13-member board of commissioners appointed by the Governor and confirmed by the Senate. The members of the commission represent a broad spectrum of the Texas fire service:

- Two members are chief officers nominated by the Texas Fire Chiefs' Association. One of the fire chiefs must be the head of his or her fire department, and one must be employed by a municipality with a population of less than 50,000.
- Two members are paid fire protection personnel nominated by the Texas State Association of Fire Fighters. These fire fighters must hold a rank of battalion chief or below, and one must be employed by a municipality with a population of less than 50,000.
- Two members are volunteer fire protection personnel nominated by the State Firemen's and Fire Marshals' Association of Texas.
- One member is a certified fire protection engineer.
- One member is a certified arson investigator or fire protection inspector.
- One member is a fire protection instructor.
- Four are public members who cannot be employed or certified as fire fighters or who otherwise would fall under the commission's regulatory authority.

The commission's primary role is to develop and adopt rules under 37 TAC, Section XIII, to implement Chapter 419 of the Government Code.

The commission is assisted in its policymaking responsibilities by two advisory committees established under Chapter 419 of the Texas Government Code, the fire fighter advisory committee and the funds allocation advisory committee. An additional advisory committee, the curriculum and testing committee, was created by the commission.

C. How is the chair selected?

The chair of the commission is appointed by the Governor. All commission members are appointed by the Governor and are subject to confirmation by the Texas Senate.

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

The Texas Commission on Fire Protection's enabling legislation has created a state government entity that is uniquely responsive to the public it serves. To a large extent the commission's rulemaking processes are controlled by representatives of the entities that are regulated by the commission. The majority of members of the rulemaking body—the commissioners themselves—are required to be active members of the fire service. They each serve and represent specific constituencies within the fire

protection community while addressing the fire protection needs of the state as a whole. In 1997, Senate Bill 371 modified the rulemaking body to include three public members and in 2003, Senate Bill 287 added an additional public member. The addition of these public members completes the representation of all constituents affected by fire and other hazards in Texas.

In addition to the commissioners, the members of the two statutorily created advisory committees are either nominated or appointed by the state's leading fire protection associations. While the commission is the designated rulemaking authority, the commission usually does not initiate proposals for rule changes. With very rare exceptions, rule recommendations that come before the commission for approval are drafted and approved by the advisory committees. The advisory committees, whose members represent the entities the commission regulates, draft and recommend rule proposals according to the needs of the general public and the fire service. The commission cannot make substantive amendments to language in rule proposals without the advisory committee's review.

Similarly, recommendations for the distribution of funds through the fire department emergency program are made to the commission by the funding committee, whose members are appointed by the Texas State Association of Fire Fighters (TSAFF), the State Firemen's and Fire Marshals' Association (SFFMA), and the Texas Fire Chiefs Association (TFCA).

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2006? in FY 2007?

The commission is required by statute to meet once every quarter of the calendar year. The commission met four times each year in 2006 and 2007.

F. What type of training do members of your agency's policymaking body receive?

New commissioners are required to complete, and existing members are encouraged to attend, a training program that covers the following information:

- the enabling legislation that created the commission,
- the programs operated by the commission,
- the role and functions of the commission,
- the rules of the commission,
- the current budget for the commission,
- the results of the most recent formal audit,
- the requirements of the open meetings law, open records law, and administrative procedure law,
- the requirements of conflict of interest laws and other laws related to public officials, and
- ethics policies adopted by the commission or the Texas Ethics Commission.

G. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.

No. The commission and agency staff do not have written policies regarding their respective roles. However, the executive director's annual performance evaluation, which is conducted by the commission, may delineate the respective roles and responsibilities of the commission and the agency.

H. What information is regularly presented to your policymaking body to keep them informed of your agency's performance?

The agency's executive office provides the commission with monthly updates regarding ongoing activities, and the executive office, standards director, and budget director provide quarterly reports at each commission meeting regarding the agency's budget and performance measures, personnel issues, issues related to regulatory activities and consent orders, and other management-related activities.

I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?

Any person may petition the commission requesting the adoption of a new rule or an amendment to an existing rule as delineated in §401.19 of the commission rules and as codified in 37 TAC. The commission publishes all proposed rule changes in the Texas Register, as well as on its website. Feedback is solicited via this public comment process as well as at all commission and advisory committee meetings.

J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart.

Texas Commission on Fire Protection Exhibit 4: Subcommittees and Advisory Committees			
Name of Subcommittee or Advisory Committee	Size/Composition/How are members appointed?	Purpose/Duties	Legal Basis for Committee
Funds Allocation Advisory Committee	Six members: Two members are appointed by the State Firemen's and Fire Marshals' Association of Texas (SFFMA), two members are appointed by the Texas State Association of Fire Fighters (TSAFF) and two members are appointed by the Texas Fire Chiefs Association (TFCA).	The committee determines how funds appropriated by the legislature to the commission's fire department emergency funding program will be distributed. The committee reviews funding requests from fire departments and makes recommendations to the commission about how the funds should be awarded.	Chapter 419 of the Texas Government Code
Fire Fighter Advisory Committee	Nine members: Six active or retired fire protection personnel and three certified fire protection instructors. At least one member of the committee must be a volunteer fire fighter or fire chief.	The committee is responsible for drafting and reviewing the administrative rules that govern the state's fire service. (The commission cannot adopt a new rule until the fire fighter advisory committee has had an opportunity to review it.)	Chapter 419 of the Texas Government Code
Curriculum and Testing Committee	Currently eight members: Created and appointed by the commission.	The committee periodically reviews and recommends changes to the commission's testing and training programs.	Created by the Commission according to Chapter 419 of the Texas Government Code

V. Funding

A. Provide a brief description of your agency's funding.

The method of finance for the Texas Commission on Fire Protection includes General Revenue – *Insurance Companies Maintenance Tax and Insurance Department Fees*, and Appropriated Receipts.

B. List all riders that significantly impact your agency's budget.

Rider 3. Appropriation of Receipts – Loan Repayments Revolving Fund. In addition to the amounts appropriated above, the Texas Commission on Fire Protection is hereby appropriated all loan repayments, loan forfeitures, and other revenue accruing to the revolving loan fund in excess of \$229,000 for fiscal year 2008 and in excess of \$229,000 for fiscal year 2009 for the purpose of making additional loans as established in Government Code, Chapter 419, Subchapter C (estimated to be \$0). The unexpended balance in Strategy A.2.1, Administer Grant Program, and of collections in excess of \$229,000 in the revolving loan fund at the end of fiscal year 2008 is hereby appropriated for fiscal year 2009 for the same purpose.

Rider 4. Grants and Loan Program. Funds appropriated above in Strategy A.2.1, Administer Grant Program, shall be used solely for grants and loans to fire departments per Government Code Sect. 419.053. Funds shall not be transferred out of this strategy and any funds not used for grants and loans shall lapse at the end of the biennium.

C. Show your agency's expenditures by strategy.
--

Texas Commission on Fire Protection Exhibit 5: Expenditures by Strategy for Fiscal Year 2006 (Actual)																										
Goal/Strategy	Total Amount	Contract Expenditures Included in Total Amount																								
A.1.1. Education and Assistance	\$ 128,899	<table style="width: 100%; border-collapse: collapse;"> <tr><td>Rental - Xerox</td><td style="text-align: right;">\$ 560</td></tr> <tr><td>Rental - Computers</td><td style="text-align: right;">\$ 10,761</td></tr> <tr><td>Contracted Services - TIBH</td><td style="text-align: right;">\$ 493</td></tr> <tr><td>Computer Maintenance and Repair</td><td style="text-align: right;">\$ 733</td></tr> <tr><td>Computer Software – Expensed</td><td style="text-align: right;">\$ 17,785</td></tr> <tr><td>Total</td><td style="text-align: right;">\$ 30,332</td></tr> </table>	Rental - Xerox	\$ 560	Rental - Computers	\$ 10,761	Contracted Services - TIBH	\$ 493	Computer Maintenance and Repair	\$ 733	Computer Software – Expensed	\$ 17,785	Total	\$ 30,332												
Rental - Xerox	\$ 560																									
Rental - Computers	\$ 10,761																									
Contracted Services - TIBH	\$ 493																									
Computer Maintenance and Repair	\$ 733																									
Computer Software – Expensed	\$ 17,785																									
Total	\$ 30,332																									
A.2.1. Administer Grant Program	\$ 772,815	\$ 0																								
B.1.1. Fire Department Standards	\$ 1,063,670	<table style="width: 100%; border-collapse: collapse;"> <tr><td>Rental - Xerox</td><td style="text-align: right;">\$ 6,428</td></tr> <tr><td>Computer Software - Expensed – Test bank</td><td style="text-align: right;">\$ 3,666</td></tr> <tr><td>Contracted Services - Neubus</td><td style="text-align: right;">\$ 21,401</td></tr> <tr><td>Contracted Services - Neubus</td><td style="text-align: right;">\$ 5,542</td></tr> <tr><td>Total</td><td style="text-align: right;">\$ 30,332</td></tr> </table>	Rental - Xerox	\$ 6,428	Computer Software - Expensed – Test bank	\$ 3,666	Contracted Services - Neubus	\$ 21,401	Contracted Services - Neubus	\$ 5,542	Total	\$ 30,332														
Rental - Xerox	\$ 6,428																									
Computer Software - Expensed – Test bank	\$ 3,666																									
Contracted Services - Neubus	\$ 21,401																									
Contracted Services - Neubus	\$ 5,542																									
Total	\$ 30,332																									
C.1.1. Indirect Administration	\$ 735,849	<table style="width: 100%; border-collapse: collapse;"> <tr><td>Rental - Xerox</td><td style="text-align: right;">\$ 2,970</td></tr> <tr><td>Financial and Accounting Services - AFR</td><td style="text-align: right;">\$ 8,812</td></tr> <tr><td colspan="2">Move costs:</td></tr> <tr><td style="padding-left: 20px;">Contracted Services – Moving copiers</td><td style="text-align: right;">\$ 580</td></tr> <tr><td style="padding-left: 20px;">Contracted Services – Move (ABC)</td><td style="text-align: right;">\$ 9,040</td></tr> <tr><td style="padding-left: 20px;">Computer Maintenance – Cabling</td><td style="text-align: right;">\$ 6,495</td></tr> <tr><td style="padding-left: 20px;">Computer Maintenance – Phone Install</td><td style="text-align: right;">8,126</td></tr> <tr><td style="padding-left: 20px;">Build-out services (TBPC)</td><td style="text-align: right;">\$ 58,660</td></tr> <tr><td style="padding-left: 20px;">Build-out services - blinds (TBPC)</td><td style="text-align: right;">\$ 755</td></tr> <tr><td style="padding-left: 20px;">Modular furniture (TCI)</td><td style="text-align: right;">\$ 74,546</td></tr> <tr><td style="padding-left: 20px;">Modular furniture – parts (TCI)</td><td style="text-align: right;">\$5,112</td></tr> <tr><td>Total</td><td style="text-align: right;">\$ 175,097</td></tr> </table>	Rental - Xerox	\$ 2,970	Financial and Accounting Services - AFR	\$ 8,812	Move costs:		Contracted Services – Moving copiers	\$ 580	Contracted Services – Move (ABC)	\$ 9,040	Computer Maintenance – Cabling	\$ 6,495	Computer Maintenance – Phone Install	8,126	Build-out services (TBPC)	\$ 58,660	Build-out services - blinds (TBPC)	\$ 755	Modular furniture (TCI)	\$ 74,546	Modular furniture – parts (TCI)	\$5,112	Total	\$ 175,097
Rental - Xerox	\$ 2,970																									
Financial and Accounting Services - AFR	\$ 8,812																									
Move costs:																										
Contracted Services – Moving copiers	\$ 580																									
Contracted Services – Move (ABC)	\$ 9,040																									
Computer Maintenance – Cabling	\$ 6,495																									
Computer Maintenance – Phone Install	8,126																									
Build-out services (TBPC)	\$ 58,660																									
Build-out services - blinds (TBPC)	\$ 755																									
Modular furniture (TCI)	\$ 74,546																									
Modular furniture – parts (TCI)	\$5,112																									
Total	\$ 175,097																									
GRAND TOTAL:	\$ 2,701,233	\$ 242,466																								

D. Show your agency's objects of expense for each category of expense listed for your agency in the General Appropriations Act FY 2007-2008.

Texas Commission on Fire Protection					
Exhibit 6: Objects of Expense by Program or Function for Fiscal Year 2007					
Object-of-Expense	A.1.1 Info & Educ	A.2.1 Grant Prog	B.1.1 Stands & Cert	C.1.1 Ind. Admin	TOTAL
Salaries and Wages	\$ 36,000	\$ 0	\$ 827,580	\$ 543,092	\$ 1,406,672
Other Personnel Costs	\$ 0	\$ 0	\$ 11,000	\$ 8,160	\$ 19,160
Professional Fees and Servs	\$ 0	\$ 0	\$ 0	\$ 6,000	\$ 6,000
Fuels and Lubricants	\$ 0	\$ 0	\$ 0	\$ 500	\$ 500
Consumable Supplies	\$ 800	\$ 0	\$ 3,200	\$ 7,358	\$ 11,358
Utilities	\$ 1,000	\$ 0	\$ 18,000	\$ 10,000	\$ 29,000
Travel	\$ 0	\$ 0	\$ 86,146	\$ 13,000	\$ 99,146
Rent – Building	\$ 3,831	\$ 0	\$ 76,625	\$ 42,144	\$ 122,600
Rent – Machine and Other	\$ 17,077	\$ 0	\$ 7,000	\$ 4,000	\$ 28,077
Other Operating Expenses	\$ 34,949	\$ 0	\$ 15,289	\$ 61,175	\$ 111,413
Grants	\$ 0	\$ 1,000,000	\$ 0	\$ 0	\$ 1,000,000
Capital Expenditures	\$ 17,287	\$ 0	\$ 0	\$ 0	\$ 17,287
Total	\$ 110,944	\$ 1,000,000	\$ 1,044,840	\$ 695,429	\$ 2,851,213

E. Show your agency’s sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines.

Texas Commission on Fire Protection Exhibit 7: Sources of Revenue for Fiscal Year 2006 (Actual)	
Source	Amount
General Revenue – Insurance Companies Maintenance Tax and Insurance Department Fees	\$ 957,125
Appropriated Receipts	\$ 41,214
TOTAL	\$ 998,339

F. If you receive funds from multiple federal programs, show the types of federal funding sources.

Texas Commission on Fire Protection Exhibit 8: Federal Funds C Fiscal Year 2006 (Actual)				
Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
N/A				
TOTAL				

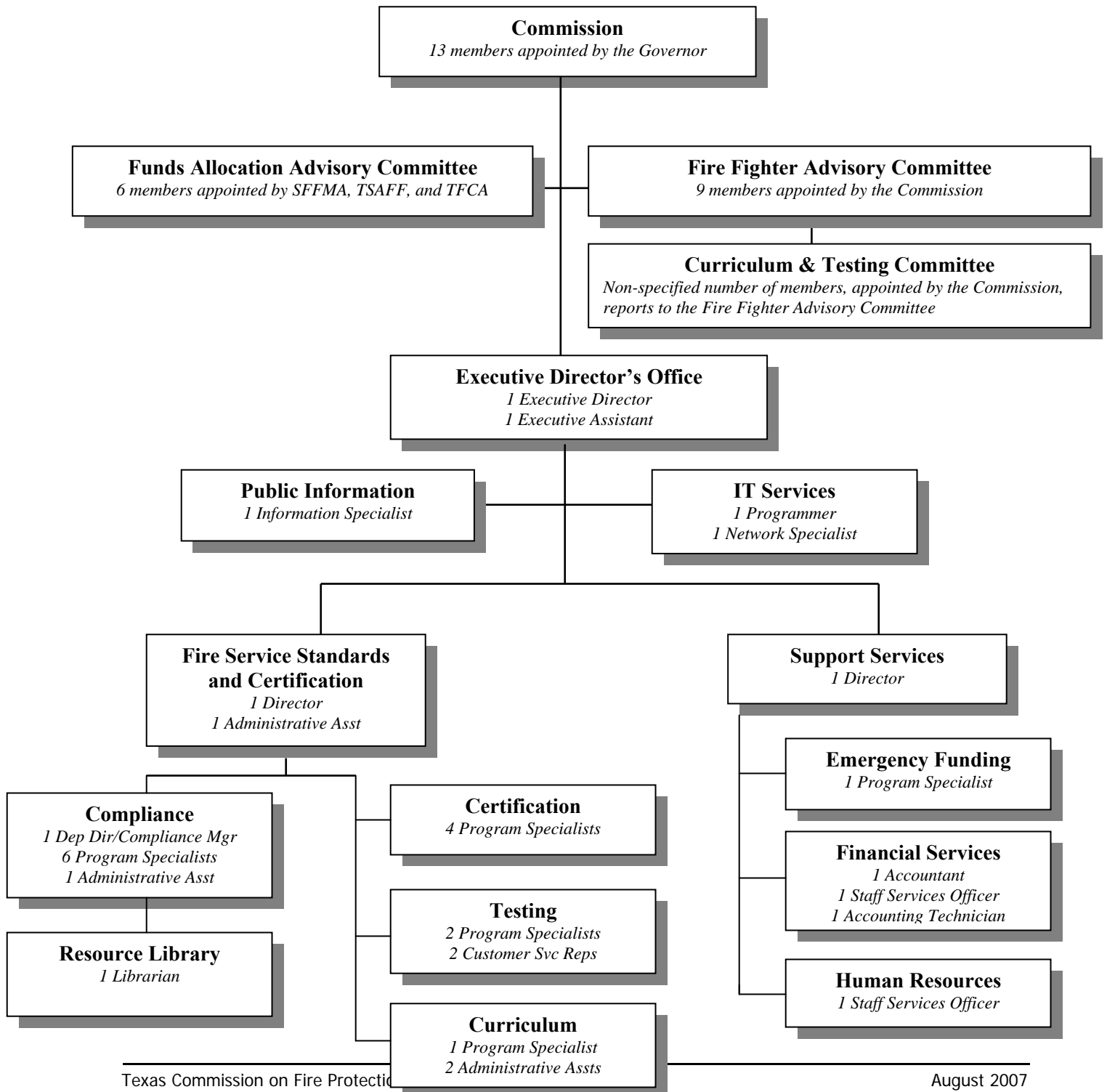
G. If applicable, provide detailed information on fees collected by your agency.

Texas Commission on Fire Protection Exhibit 9: Fee Revenue for Fiscal Year 2006				
Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory maximum	Number of persons or entities paying fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Appropriated Receipts Grants/Donations	Varies according to fund raiser	As applicable	\$282	Fund 8042 – Insurance Maintenance Tax Fees
Appropriated Receipts Fees for certification IFSAC seals/TX Government Code Chapter 419, §419.026	IFSAC seals are \$5 each	7,799	\$38,955	Fund 8042 – Insurance Maintenance Tax Fees
Fees for certification Fees for renewals Fees for Examination/ TX Government Code Chapter 419, §419.026	\$20.00 \$25.00 \$15.00	7,917 24,922 8,344	\$158,340 \$623,050 \$125,160	General Revenue Fund as appropriated receipts

VI. Organization

A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division.

SEPTEMBER 2007



B. If applicable, fill in the chart below listing field or regional offices.

Texas Commission on Fire Protection Exhibit 10: FTEs by Location C Fiscal Year 2006			
Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY 2006	Number of Actual FTEs as of August 31, 2006
Headquarters	Austin	26	26
Region 1 – Central Texas	Austin	1	1
Region 2 – West Texas	Lubbock	1	1
Region 3 – North Central Texas	Fort Worth	1	1
Region 3 – Northeast Texas	Allen	1	1
Region 4 – East Texas	Lufkin	1	1
Region 5 – South Texas	San Antonio	1	1
TOTAL		32	32

C. What are your agency's FTE caps for fiscal years 2006 - 2009?

The agency's FTE cap for fiscal years 2006-2009 are:

Fiscal Year 2006:	32
Fiscal Year 2007:	32
Fiscal Year 2008:	33
Fiscal Year 2009:	33

D. How many temporary or contract employees did your agency have as of August 31, 2006?

The agency did not have any temporary or contract employees as of August 31, 2006.

E. List each of your agency's key programs or functions, along with expenditures and FTEs by program.

Texas Commission on Fire Protection Exhibit 11: List of Program FTEs and Expenditures for Fiscal Year 2006		
Program	FTEs as of August 31, 2006	Actual Expenditures
A.1.1. Fire Safety Info & Educ Programs	1.0	\$ 128,899
A.2.1. Administer Grant Program	0.8	\$ 772,816
B.1.1. Certify & Regulate Fire Service	20.0	\$ 1,9063,670
C.1.1. Indirect Administration	10.2	\$ 735,849
TOTAL	32.0	\$ 2,701,233

VII. Guide to Agency Programs

Complete this section for **each** agency program (or each agency function, activity, or service if more appropriate). Copy and paste the questions as many times as needed to discuss each program, activity, or function. Contact Sunset staff with any questions about applying this section to your agency.

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Fire Safety Information and Education Programs
Location/Division	Austin, Texas / Standards and Certification Division
Contact Name	Jake Soteriou
Actual Expenditures, FY 2006	\$ 128,899
Number of FTEs as of August 31, 2006	1.0

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the fire safety information and education program is to support the commission, committees, agency staff, fire protection personnel, related fire protection entities, training facilities, and the general public with resources for fire training and research. This is accomplished by:

- Providing current fire protection resources in the form of books, journals and audiovisual materials to support curriculum development, standards development, testing, and certification requirements.
- Providing current audiovisual materials for the training and continuing education of the fire service and related entities as well as fire safety and prevention information for the general public.
- Providing reference services related to fire protection issues to patrons of the library.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

	9/1/04 – 12/1/04	12/1/04 – 3/1/05	3/1/05 – 6/1/05	6/1/05 – 9/1/05	Totals
Response Time	1-day or less	1-day or less	1-day or less	1-day or less	1-day or less
Training & Education Request	253	213	205	173	844
Reference Request	31	48	50	50	179

	9/1/05 – 12/1/05	12/1/05 – 3/1/06	3/1/06 – 6/1/06	6/1/06 – 9/1/06	Totals
Response Time	1-day or less	1-day or less	1-day or less	1-day or less	1-day or less
Training & Education Request	185	215	186	159	745
Reference Request	41	83	95	86	305

Request for training and educational material are processed in one business day or less. The process includes receiving the request, entering the data into the computer system along with printing shipping labels, retrieving the material from the library, packaging the material for shipping and placing the packaged material in the out going mail. Upon return the material is unpacked, checked for damages, entered as available in the data base system and placed back in the library.

Research request are received and processed in one business day unless the subject requires more in-depth research. The commission librarian utilizes resource material in the commission library, outside resources (NFA library, inFIRE) and the internet to gather information that would support the request. The research material is assembled and sent to the requestor either by mail or electronically.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The commission’s fire protection resource library was established to support the fire service personnel of the state and to spread the fire safety message to the general public. Circulation of materials was initiated in January 1993. The collection consisted of 50 videos.

In October 1993 the library was named the Ernest A. Emerson Fire Protection Resource Library in honor of Ernest A. Emerson who was the State Fire Marshal at the time of his retirement.

Currently the library has a collection of over 1,600 audiovisuals and a collection of over 2,200 reference books, journal titles and fire service related reports.

The library continues to support the original intent of the founders.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The library program services and resources affect the population of the state of Texas through the people who utilize the resources. Users include staff members, commission and committee members, individuals, fire departments, fire training facilities, fire related entities, schools, businesses, industries and the general public. There are no special qualifications or requirements to use the services except Texas residency. Approximately 70 percent of library users have some type of fire protection affiliation and 30 percent are from the general public.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

Audiovisual training materials are requested online, by phone, fax, email or in person. Requests are processed within one working day or less and materials are sent via priority mail to patrons. The book and journal collection can be used on-site during agency hours.

Reference questions are received via the methods listed above and responded to within one working day unless in-depth research is needed to answer the query.

The librarian is also responsible for program planning, collection development, acquisitions and cataloging. In addition to the library responsibilities the librarian also manages the agency's records retention schedule.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funds are appropriated in Strategy A.1.1 Fire Safety Information and Education Programs, from General Revenue – Insurance Companies Maintenance Tax and Insurance Department Fees and Appropriated Receipts.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

While other libraries in Texas collect minimal fire protection related resources, the Emerson Library provides a unique collection devoted exclusively to resources specific to the fire protection field. The library provides easy access to materials for fire service personnel and other patrons.

The agency librarian is one of very few with knowledge specific to the resources available in this area. The Emerson Library is a member of inFIRE, a worldwide consortium of libraries with significant collections of fire literature which supports resource sharing between member organizations. This membership is used to assist in answering reference questions and finding resources for library patrons.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Being the only library in Texas with this type of unique and highly focused collection, there is no duplication or conflict with other programs.

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

Within the state of Texas the librarian works with the Texas Forest Service and the Texas Engineering Extension Service (TEEX). This involves obtaining new training materials for the collection and occasional loaning of audiovisual materials. On the federal level the agency librarian consults with the librarian at the National Fire Academy Resource Learning Center in Emmitsburg, MD for assistance with reference queries and to gain knowledge on new materials available for fire service training.

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Please refer to Item V-C, page 16.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

N/A

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

The largest benefactor of the Ernest A. Emerson Fire Protection Resource Library are the hundreds of small fire departments (paid and volunteer) with limited resources for providing audiovisual training materials to their in house fire fighter training and community based fire safety education. The resources provided are current and cover the entire spectrum of the fire service. Some of the subject matter contained in the library include, Basic Certification, Driver Operator, Inspection Practices, Arson Investigation, Hazardous Materials, Weapons of Mass Destruction, Incident Management, Spanish for the Emergency Worker, Fire Prevention/Safety and many other fire service related topics.

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Compliance
Location/Division	Austin & Regional Offices / Standards & Certification Division
Contact Name	Jake Soteriou
Actual Expenditures, FY 2006	\$ 409,220
Number of FTEs as of August 31, 2006	8.0

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the compliance program is to ensure fire fighter safety for individuals being trained to become fire protection personnel and those employed by political subdivisions of the State of Texas to provide fire protection. The state is divided into six regions with a field compliance officer assigned to each region. Compliance personnel inspect regulated entities once every two years. Compliance activities include:

- Inspecting training facilities to ensure that the facility is in compliance with commission rules. The inspection includes ensuring that:
 - approved curricula is being taught,
 - required standard operating procedures are in place,
 - compliant self-contained breathing apparatus, breathing air and protective clothing are being used,
 - adequate and safe teaching aids or props are being utilized,
 - adequate classrooms, equipment and facilities are provided,
 - proper testing procedures are followed, and
 - proper records are being maintained.

- Inspecting regulated entities every two years to ensure fire fighter safety and compliance with commission rules. The inspection includes:
 - physically inspecting protective clothing,
 - physically inspecting self-contained breathing apparatus and PASS devices,
 - reviewing inspection records for protective clothing,
 - reviewing self-contained breathing apparatus inspection and test records,
 - reviewing breathing air test records,
 - ensuring that the required standard operating procedures are in place, and
 - reviewing continuing education records.

- The compliance section is responsible for investigating complaints. Once a complaint is received the program manager determines if the complaint is valid or warrants an investigation. Information is then entered into the database and an investigator is assigned to the case. The investigator may travel to the location and conduct interviews, review records and collect

supporting documentation concerning the investigation. The compliance officer's report is forwarded to the compliance program manager's office for review. An informal staff conference may be scheduled with the entity or individual under investigation. During the informal staff conference there is an open dialog between commission staff and the entity or individual on ways to correct the violation or to bring them into compliance with commission rules. Once an agreement is reached a consent order is formulated and signed off on by the entity or individual and the executive director. Administrative penalties may be associated with the consent order along with a probation period.

- Compliance staff assists the State Fire Marshal in line of duty death investigations. Upon receiving a call for assistance from the State Fire Marshal's Office (SFMO) a compliance officer is assigned to aid in the investigation. The compliance officer will travel to the location and perform the following duties:
 - Inspect and photograph protective clothing,
 - Obtain copies of protective clothing inspection and maintenance records,
 - Inspect and photograph self contained breathing apparatus (SCBA),
 - Obtain copies of SCBA inspection, maintenance and test records,
 - Obtain copies of breathing air test records,
 - Inspect and photograph personal alert safety system device (PASS),
 - Obtain copies of PASS inspection and maintenance records,
 - Obtain copies of department standard operating procedures, and
 - Obtain copies of individual's training records.

Once the site visit is complete the compliance officer compiles the information into a report and sends the report to the compliance program manager for review. The report is then given to the standards division director and is forwarded to the State Fire Marshal's Office (SFMO).

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

Below are the quarterly reports concerning compliance inspections and investigations for 2005 and 2006. The statistical information below shows that the number of certificate holders, number of inspections and number of violations have increased while the percentage of individuals with no recent violations have remained constant. The consistent average would indicate that entities are providing and maintaining compliant protective clothing, providing and maintaining compliant self-contained breathing apparatus and breathing air, providing the required continuing education, and have in place the required standard operating procedures.

Number of Entity Inspections - 2005

Region	9/1/04 – 12/1/04	12/1/04 – 3/1/05	3/1/05 – 6/1/05	6/1/05 – 9/1/05	Total to Date
1	15	11	40	18	84
2	41	13	33	25	112
3*	63	33	20	19	135
4	21	29	66	49	165
5	19	30	13	29	91
Total					587

**Includes North (region 3) and North Central (region 6).*

Percent of Individuals With No Recent Violations - 2005

	9/1/04 – 12/1/04	12/1/04 – 3/1/05	3/1/05 – 6/1/05	6/1/05 – 9/1/05
Number Certified	23,979	24,753	24,488	25,298
Number with Recent Violations	1,721	1,870	1,889	2,086
Percent with No Recent Violations	92.82%	92.81%	92.29%	91.75%

Number of Entity Inspections - 2006

Region	9/1/05 – 12/1/05	12/1/05 – 3/1/06	3/1/06 – 6/1/06	6/1/06 – 9/1/06	Total to Date
1	38	1	30	46	75
2	7	30	24	47	108
3*	16	18	54	89	177
4	31	5	51	40	127
5	27	0	44	36	107
Total					594

**Includes North (region 3) and North Central (region 6).*

Percent With No Recent Violations

	9/1/05 – 12/1/05	12/1/05 – 3/1/06	3/1/06 – 6/1/06	6/1/06 – 9/1/06
Number Certified	24,953	25,899	25,337	26,141
Number with Recent Violations	1,563	1,894	2,058	2,226
Percent with No Recent Violations	93.74%	92.69%	91.88%	91.48%

Investigations are initiated in two ways. The commission database opens a case automatically based on information in the database. The second method is that the compliance program manager receives a written complaint.

Number of Investigations - 2005

9/1/04 – 12/1/04	12/1/04 – 3/1/05	3/1/05 – 6/1/05	6/1/05 – 9/1/05	Total
18	7	6	10	34

Number of Investigations - 2006

9/1/05 – 12/1/05	12/1/05 – 3/1/06	3/1/06 – 6/1/06	6/1/06 – 9/1/06	Total
43	10	9	10	72

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

- The original fire commission's primary responsibility was to establish a certification program by developing a curriculum. Over the years the scope of responsibility for the commission has expanded greatly to include the areas managed by the compliance section. The most significant change came in 2001 when the 77th Legislature passed Senate Bill 382 which significantly refined several areas of the commission's statute relative to fire fighter safety. The bill addressed breathing air used in self-contained breathing apparatus, personal protective equipment (PPE) and self-contained breathing apparatus (SCBAs), requiring departments to develop and maintain standard operating procedures covering the proper use, selection, care and maintenance of all protective clothing and self-contained breathing apparatus. The bill also required fire departments to provide all personnel with a Personal Alert Safety System (PASS). Additionally, the bill required departments to develop, based upon National Fire Protection Association (NFPA) standards, standard operating procedures (SOPs) relating to Incident Management Systems, Personnel Accountability Systems, and Fire Protection Personnel Operating at Emergency Incidents.
- There were significant changes to the training facility requirements in 2005 through the rule making process. New rules incorporated portions of NFPA 1403 for live fire training at recruit fire schools. Additional changes in 2005 and 2006 included rules that applied to training provided via the internet. The changes defined distance training and identified requirements that were unique to an on line learning environment. In 2007 a new subchapter was added to the rules (Chapter 427 – Training Facility Certification) to deal with training facilities that are not owned or operated by a government entity.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The compliance program affects all fire protection personnel employed by a political subdivision of the State of Texas and individuals employed by volunteer fire departments that have chosen voluntary regulation. This not only includes those assigned to fire fighting duties but also includes individuals assigned to fire code enforcement, fire and arson investigation, aircraft fire fighting, marine fire fighting, and individuals appointed as the head of the department. The compliance program is primarily responsible for the safety of the student training to become a fire fighter and those individuals already certified and assigned fire protection duties.

Entity Type	Number of Entities	Number of Employees
Fire Departments	505	24,264
Training Facilities ¹	34	393
Fire Marshals (arson) ²	107	332
Code Enforcement ³	14	40
Law Enforcement	37	36
Airports ⁴	11	322
Marine	1	52

Notes to chart:

1. *Training Facility numbers reflect stand-alone training facilities not part of a fire department.*
2. *Fire Marshals (arson) numbers reflect stand-alone arson investigation entities not associated with a fire department.*
3. *Code Enforcement numbers reflect stand-alone fire code enforcement entities not associated with another entity.*
4. *Airport numbers reflect stand-alone airports that are not part of another entity.*

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The compliance program has eight individuals assigned to carry out the program objectives. The commission is required by statute to inspect all regulated entities every two years.

The state is divided into six regions with a compliance officer assigned to each region. Each compliance officer has an office located in their assigned region. Compliance officers check the agency database for a list of entities needing inspection and develops an inspection schedule. Working within the database, the compliance officer selects the entities that he/she will inspect and develops a trip packet. Once the trip packet is completed the compliance officer enters the information for the trip, including cost estimates, into the travel section of the database. An e-mail is sent to the program manager asking for approval of the trip. The program manager reviews the trip request to ensure accuracy and completeness then approves the trip or requests that corrections be made by the compliance officer.

Once the trip is approved the program manager e-mails the compliance officer his approval. The compliance officer will then print the trip packet and assemble needed documents and equipment for the compliance inspection. The compliance officer then travels to the entity to be inspected and makes

contact with the head of the department or his designee. The compliance officer will explain the inspection process to the department head then begin the inspection.

During the inspection the compliance officer will:

- Check the entity employee roster against the commission database,
- Physically inspect about 10 percent of the entity's protective clothing, self-contained breathing apparatus and PASS devices,
- Check the department's continuing education records,
- Check the breathing air test records,
- Check annual test records for self-contained breathing apparatus,
- Check the protective clothing inspection records,
- Check to ensure the department has the required standard operating procedures,
- Check class records (training facilities),
- Check reference material (training facilities), and
- Check for required facilities and equipment (training facilities).

Upon completion of the compliance inspection the compliance officer does an exit interview with the department head and reviews the results of the inspection. Once he/she returns to the field office, the compliance officer:

- Completes the travel voucher process,
- Enters data into agency database for the inspection,
- Writes follow up letter to entity that was inspected, and
- Briefs program manager of any major violations.

Usually there is an on-going dialog between the compliance officer and the inspected entity until the violations are corrected. Once the compliance officer receives documentation from the inspected entity that the violations have been corrected he/she then completes the data entry into the agency database, writes a closure letter to the entity department head, compiles a department inspection file and mails the file to headquarters where it is maintained according to the agency's records retention schedule.

Compliance officers may be assigned to assist with large department inspections. An example would be the Houston Fire Department which has over 4,000 employees. All six compliance officers will travel to Houston to assist with the inspection.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funds are appropriated from Strategy B.1.1 Fire Department Standards, from General Revenue – Insurance Companies Maintenance Tax and Insurance Department Fees and Appropriated Receipts.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

There are no other programs, internal or external to this agency, that provide identical or similar services or functions.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

The commission's compliance section interacts with political subdivisions of the State of Texas through the inspection program. The relationship is regulatory in nature; however the agency strives to coach entities into compliance rather than just administer fines for violations.

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Please refer to Item V-C, page 16.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

The two-year inspection cycle is much too long and should be changed to annual inspections; however that would also require an increase in staffing. To inspect regulated entities on a one-year, rather than the current two-year cycle, would require an increase in the number of compliance officers from six to twelve and additional administrative support.

During a compliance inspection the commission only inspects about 10 percent of the protective clothing, self-contained breathing apparatus and personnel alert devices. While there is no mandate on the number of sets of protective clothing that is to be inspected, the 10 percent number is based on the time it takes to perform an advanced inspection on protective equipment. Inspecting 10 percent of the protective equipment every two years represents only a small fraction of the in-service equipment and may not give a true representation of the safety of the protective equipment throughout the state. A proportional increase in the number of protective equipment inspected during a compliance inspection would require a proportional increase in the number of inspectors.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

The Texas Commission on Fire Protection compliance program is the only program of its kind in the State of Texas. The services provided by the compliance officers ensure that individuals employed to perform the hazardous duties of a fire fighter are at least provided a minimal level of training and protective equipment. Without commission inspection and enforcement there would be no assurance that entities would continue to provide training, provide and maintain protective equipment and have standardized operating procedures. The safety of fire protection personal would be compromised if this service was no longer provided.

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

The compliance inspection program is needed to ensure that fire protection personnel receive adequate training, are provided with safe/compliant protective equipment (clothing, SCBA and PASS) along with safe breathing air and to ensure that proper standard operating procedures are in place. Regulated entities are inspected every two years. The inspection includes physically inspecting the entity's protective clothing, self-contained breathing apparatus (SCBA), inspection/maintenance records for protective clothing, test and inspection records for SCBA, inspection records for personal alert safety devices, training records, and standard operating procedures. Upon completion of the inspection the compliance

officer conducts an exit interview with the entity then follows up with a letter. A dialog is developed between the compliance officer and the entity during the time given for correcting the violations.

Entities or individuals found in violation of commission standards may receive monetary penalties, probation or suspension of certification(s).

Upon receiving a complaint against a regulated entity, a compliance officer is assigned to investigate the complaint. The compliance officer may collect statements, obtain copies of documents and take photos to support the investigation. The information gathered is sent to the compliance program manager for his/her review. There may be an informal staff conference in an effort to correct the violations.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Texas Commission on Fire Protection Compliance Exhibit 12: Information on Complaints Against Regulated Persons or Entities Fiscal Years 2005 and 2006		
	FY 2005	FY 2006
Total number of regulated persons	24,471	26,155
Total number of regulated entities	1,100 approx	1,100 approx
Total number of entities inspected	587	594
Total number of complaints received from the public	2	6
Total number of complaints initiated by agency	18	75
Number of complaints pending from prior years	0	0
Number of complaints found to be non-jurisdictional	0	0
Number of jurisdictional complaints found to be without merit	1	8
Number of complaints resolved	19	73
Average number of days for complaint resolution	37.29	40.82
Complaints resulting in disciplinary action:	2	2
administrative penalty	1	1
reprimand	0	0
probation	1	1
suspension	0	0
revocation	1	1
other	0	0

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Curriculum and Test Development
Location/Division	Austin, Texas / Standards and Certification Division
Contact Name	Jake Soteriou
Actual Expenditures, FY 2006	\$ 74,299
Number of FTEs as of August 31, 2006	2 (<i>Will increase to 3 on 9/1/07</i>)

B. What is the objective of this program or function? Describe the major activities performed under this program.

The fire service standards curriculum and test development team is charged with developing and maintaining all the curriculum and certification tests for the Commission. The team:

- develops the curricula for Basic Structure Fire Suppression, Basic Marine Fire Protection, Basic Aircraft Fire Fighting, Basic Investigator, Basic Inspector, Hazardous Materials Technician, Fire Officer, Fire Service Instructor and Driver/Operator Pumper certifications;
- ensures the curricula are based on the applicable National Fire Protection Association (NFPA) Standard developed for each specific function, and reviews and updates the curricula on a five-year cycle to coincide with the NFPA's revision cycle;
- develops certification exams for all state certifications based upon the job performance requirements in the NFPA standards;
- ensures the test questions meet the requirements of the International Fire Service Accreditation Congress (IFSAC), an international accrediting agency that validates test questions and processes;
- constantly reviews and updates test bank questions (over 25,000) to ensure they meet the applicable job performance requirements and are available in the current textbooks;
- develops pilot questions for future use;
- reviews new text material for inclusion in the curricula reference material; and
- reviews questions contested by applicants to determine validity and accuracy.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

In FY05, the curriculum and test development team:

- generated over 9,000 certification tests;
- completed development and implementation of the new Inspector Curriculum to include; Inspector I, Inspector II, Inspector III, Plan Examiner I and Plan Examiner II components per the NFPA 1031 Standard;
- obtained IFSAC accreditation for the Fire Investigator exam; and,
- completed review of applicable curriculum and reference material scheduled for this period.

In FY06, the curriculum and test development team:

- generated over 8,300 certification tests;
- obtained IFSAC accreditation for new Inspector certification;
- completed development and implementation of the new Fire Service Instructor Curriculum to include; Instructor I, Instructor II and Instructor III per the NFPA 1043 Standard; and,
- completed review of applicable curriculum and reference material scheduled for this period.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The commission initially offered basic certifications for Structural Fire Suppression, Aircraft Rescue Fire Fighter, Marine Fire Fighter, Fire Investigator and Fire Inspector. In response to the demands of the Texas fire service, the commission has added nine additional certifications for Hazardous Materials Technician, Driver/Operator Pumper, Fire Service Instructor (four levels), Fire Officer I and II, and Head of Department. All commission certifications are based upon the job performance requirements identified in the applicable National Fire Protection Association (NFPA) Standard.

Accreditation of the commission's testing program and all certifications by the International Fire Service Accreditation Congress (IFSAC) has enabled the commission to issue IFSAC seals. As a result, the commission grants reciprocity to applicants from other IFSAC jurisdictions who come to work in Texas.

The commission's original scope was limited to paid fire protection personnel. A change brought about by the 1997 sunset legislation gave individuals not affiliated with fire departments the ability to maintain their commission certifications. The commission estimates that approximately 2,600 individuals per year will take advantage of this opportunity.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The curriculum and test development program affects every paid fire fighter and regulated fire department across the state. Individuals must master the subject matter and pass the applicable test before they can assume those particular duties for the fire department.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The curriculum and test development team is a two-member team that relies on external committees to complete the bulk of the workload. The team leader and administrative technician work with the nine-member Curriculum and Testing Advisory Committee to develop and review the curricula and test banks. The committee is made up of personnel from around the state involved in fire service training.

The commission has relied on additional ad-hoc committees comprised of subject-matter experts to develop and update the specific disciplines. None of these committees are compensated or reimbursed for their expenses by the state.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funds are appropriated from Strategy B.1.1 Fire Department Standards, from General Revenue – Insurance Companies Maintenance Tax and Insurance Department Fees and Appropriated Receipts.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

Accreditation is a status granted to an educational institution or program that has been found to exceed standard criteria of educational quality. The agency is associated with and accredited through IFSAC. The commission is the only agency in the State of Texas that is authorized to issue IFSAC seals for completion of certification programs.

“Pro Board” is another accrediting organization that offers similar opportunities. The quality, level of competence and wide-reaching acceptance of “Pro Board” may not be as great as IFSAC.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The commission does not recognize "Pro Board" for reciprocity towards agency certifications.

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

Texas fire departments and community colleges have generously allowed their staff and personnel to participate on the commission's advisory and ad-hoc committees. The committee members have a vested interest in the outcome of the committees' work in that the members go back to their respective departments and colleges to offer the programs to the fire service throughout the state.

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Please refer to Item V-C, page 16.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

Allowing the commission to reimburse committee members for their expenses when they revise and update curricula may increase interest and participation among more fire departments and colleges throughout the state.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

The commission's curricula and testing materials are unique to the Texas fire service. The commission is not aware of any external providers to develop and maintain curricula in the field of fire protection.

There is currently only one vendor who supplies test banks. These test banks tend to be germane to specific texts, rather than to job performance requirements associated with the specific NFPA standards. The curriculum and test development teams spends a significant amount of time editing and deleting test questions.

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

- The National Fire Protection Association (NFPA) standards are nationally recognized consensus standards. The commission's adoption of applicable NFPA standards ensures that the personnel who obtain commission certifications have trained to the level of a recognized standard and can perform those duties in a safe, competent manner.
- The agency's compliance officers inspect every employing entity in the state at least once every biennium to ensure the entity's personnel are certified to perform the assigned functions.
- Non-certified personnel are removed from tasks for which they do not hold certification. The agency works with the entities to develop plans and timetables to complete required training and to obtain required certifications.
- Sanctions are available in the enabling legislation and in Chapter 445 of the commission rules. (Fines range from \$300 per violation up to \$600 for repeat violations.)
- Procedures for investigation of complaints against regulated entities are covered in enabling legislation and §435.19 of the commission rules.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Texas Commission on Fire Protection Curriculum and Test Development Exhibit 12: Information on Complaints Against Regulated Persons or Entities Fiscal Years 2005 and 2006		
	FY 2005	FY 2006
Total number of regulated persons	24,471	26,155
Total number of regulated entities	1,100 approx.	1,100 approx.
Total number of entities inspected	N/A	N/A
Total number of complaints received from the public	N/A	N/A
Total number of complaints initiated by agency	N/A	N/A
Number of complaints pending from prior years	N/A	N/A
Number of complaints found to be non-jurisdictional	N/A	N/A
Number of jurisdictional complaints found to be without merit	N/A	N/A
Number of complaints resolved	N/A	N/A
Average number of days for complaint resolution	N/A	N/A
Complaints resulting in disciplinary action:	N/A	N/A
administrative penalty	N/A	N/A
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	N/A	N/A

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Test Administration and Course Approval
Location/Division	Austin, Texas / Standards and Certification Division
Contact Name	Jake Soteriou
Actual Expenditures, FY 2006	\$ 183,629
Number of FTEs as of August 31, 2006	4

B. What is the objective of this program or function? Describe the major activities performed under this program.

The test administration and course approval program is charged with approving training programs and administering certification tests for the commission. The team:

- Reviews all course approvals submitted for certification training. The team reviews applications to ensure:
 - the academy is certified;
 - the chief training officer and instructors are certified;
 - the schedule and subject matter meets the curriculum requirements;
 - the proper number of periodic exams are scheduled;
 - the associated skills are completed.
- Upon completion of the review, the program staff schedules the state certification examination for the course.
- Reviews applications and training records from individuals from out of state to determine eligibility to test, and, if eligible, schedules a test date.
- Reviews individuals who previously completed approved training for eligibility and schedules test.
- Creates an individual's file in the agency's database when scheduling certification examinations.
- Administers all certification tests and skills exams (over 9,000 per year).
- Grades all examinations and posts results in the database.
- Notifies individuals and academies of results. (Test scores can be accessed from the agency's website.)

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

In FY05, the course approval and test administration program:

- evaluated 693 fire service training programs;
- administered 9,098 written and performance skills tests;
- generated \$136,470 in testing revenue for the state; and,
- had a 90 percent pass rate on the state certification test.

In FY06, the course approval and test administration program:

- evaluated 616 fire service training programs;
- administered 8,344 written and performance skills test;
- generated \$125,160 in testing revenue for state; and
- had a 92 percent pass rate on the state certification test.

In Texas, minimum standards for certification as a fire fighter exceed those of many other states. The International Fire Service Accreditation Congress (IFSAC) accredited several of the commission's testing processes for certification.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The commission initially offered basic certifications for Structural Fire Suppression, Aircraft Rescue Fire Fighter, Marine Fire Fighter, Fire Investigator and Fire Inspector. In response to the demands of the Texas fire service, the commission has added nine additional certifications for Hazardous Materials Technician, Driver/Operator Pumper, Fire Service Instructor (four levels), Fire Officer I and II, and Head of Department. All commission certifications are based upon the job performance requirements identified in the applicable National Fire Protection Association (NFPA) Standard.

Accreditation of the commission's testing program and all certifications by the International Fire Service Accreditation Congress (IFSAC) has enabled the commission to issue IFSAC seals. As a result, the commission grants reciprocity to applicants from other IFSAC jurisdictions who come to work in Texas.

The commission's original scope was limited to paid fire protection personnel. A change brought about by the 1997 sunset legislation gave individuals not affiliated with fire departments the ability to maintain their commission certifications. The commission estimates that approximately 2,600 individuals per year will take advantage of this opportunity.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The test administration and course approval program affects every paid fire fighter and fire department in the state. Individuals must master the subject matter and pass the applicable test before they can assume those particular duties for the fire department.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

All basic fire suppression certification examinations are conducted by commission staff at each academy upon the completion of the training. Examinees must demonstrate proficiency in three performance skills as well as complete a written test. Examinees must pass both sections to become eligible for certification. The commission's testing staff goes to test sites, administers the written test and oversees the skills evaluation.

Testing for all other certifications are conducted at regional test sites at various times during the month. This regional testing is a new concept and necessitated by an increase in demand and lack of additional staff. Initially, the agency's compliance inspectors administered 68 percent of the tests, as the three members of the test administration and course approval team could not conduct them all.

The test administration and course approval team generates certification exams from the agency's database. To maintain the integrity and security of the testing process, new exams are generated every ten days. When tests are scheduled, the staff must know who is taking what test at what site and ensure the correct test is available. The agency ships tests to and from the testing site via UPS.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funds are appropriated from Strategy B.1.1 Fire Department Standards, from General Revenue – Insurance Companies Maintenance Tax and Insurance Department Fees and Appropriated Receipts.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

No external or internal programs provide the ability to evaluate and approve certified training programs and schedule certification examinations. The test administration and course approval team schedules examinations from one to six months prior to the testing date.

There are testing centers throughout Texas that can administer certification tests. The test administration and course approval team can work with these testing centers to schedule some of the tests. Due to the controls of the program for test security, the coordination of scheduling, shipping and returning the examinations can be cumbersome. The commission is committed to meeting International Fire Service Accreditation Congress (IFSAC) requirements, which requires tight controls to ensure the integrity of the test and testing process.

The test administration and course approval team is working toward offering computerized testing within the next year.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The test administration and course approval team's product is unique to the paid fire service in the state of Texas. The team does not approve training or administer tests that are not required by the paid fire service as set forth in Chapter 419 of the Government Code.

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

The commission is not a provider of training; however, it develops the curriculum for each certification based upon the requirements of the applicable National Fire Protection Association (NFPA) standards. The commission approves the courses which are offered to ensure that they comply with the appropriate curriculum and NFPA standards.

Several local community colleges provide certification fire training programs to the fire service. The commission certifies the facility to ensure that it has all the equipment and reference material to effectively provide the training and to ensure that the facility's instructors are qualified in those fields. Some of the coordinators and instructors in these programs serve on the commission's advisory committees to develop the programs.

The commission provides an annual report to the Texas Higher Education Coordinating Board (THECB) that shows the number of students in the various programs in each school and the passing percentage rate.

Many fire departments provide their own training programs to their personnel. As with the community colleges, the commission certifies the facility to ensure they have all the equipment and reference material to effectively provide the training and to ensure that their instructors are qualified in those fields.

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Please refer to Item V-C, page 16.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

N/A

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

The test administration and course approval team administers examinations for certification, including performance skill evaluations, in compliance with commission and International Fire Service Accreditation Congress (IFSAC) regulations. It is incumbent upon commission staff and field examiners to maintain the integrity of all state examinations.

- N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:**
- **why the regulation is needed;**
 - **the scope of, and procedures for, inspections or audits of regulated entities;**
 - **follow-up activities conducted when non-compliance is identified;**
 - **sanctions available to the agency to ensure compliance; and**
 - **procedures for handling consumer/public complaints against regulated entities.**

Accreditation of the testing program demonstrates that the program meets or exceeds standard criteria of educational quality. The International Fire Service Accreditation Congress (IFSAC) has accredited the commission's testing program.

- Accreditation is a necessary condition for professionalism. It clearly establishes accountability for performance.
- The IFSAC accreditation process certifies the competency of entities that issue certifications to individuals who pass written and skills-based examinations. The commission must undergo re-accreditation every five years.
- If problems are noted in the commission program, the IFSAC Board of Governors may evaluate the commission's progress every six months and make recommendations to the Certificate Assembly concerning the status of the commission's membership.
- If IFSAC revokes the commission's accreditation, the agency would still be able to administer state certification tests but could not issue IFSAC seals to personnel who pass the examinations.
- All complaints are investigated according to Chapter 445 of the commission rules.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Texas Commission on Fire Protection Test Administration & Course Approval Exhibit 12: Information on Complaints Against Regulated Persons or Entities Fiscal Years 2005 and 2006		
	FY 2005	FY 2006
Total number of regulated persons	24,471	26,155
Total number of regulated entities	1,100 approx.	1,100 approx.
Total number of entities inspected	N/A	N/A
Total number of complaints received from the public	N/A	N/A
Total number of complaints initiated by agency	N/A	N/A
Number of complaints pending from prior years	N/A	N/A
Number of complaints found to be non-jurisdictional	N/A	N/A
Number of jurisdictional complaints found to be without merit	N/A	N/A
Number of complaints resolved	N/A	N/A
Average number of days for complaint resolution	N/A	N/A
Complaints resulting in disciplinary action:	N/A	N/A
administrative penalty	N/A	N/A
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	N/A	N/A

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Certification
Location/Division	Austin, Texas / Standards and Certification Division
Contact Name	Jake Soteriou
Actual Expenditures, FY 2006	\$ 203,700
Number of FTEs as of August 31, 2006	4

B. What is the objective of this program or function? Describe the major activities performed under this program.

The fire service standards certification program certifies and renews certifications for all paid fire fighters and approved training facilities in the state. The team:

- Processes all notices of appointment received from the fire department to ensure that the individual is eligible for appointment.
- Processes applications and issues certifications for qualified individuals.
- Processes applications and issues certifications for higher level certification for qualified individuals
- Processes applications and issues IFSAC seals to qualified applicants.
- Processes applications and issues certifications to qualified training facilities.
- Processes criminal history checks for all initial basic certifications.
- Processes criminal history checks for certification holders who have convictions.
- Administers a voluntary certification and regulation program for qualified individuals not associated with the paid or volunteer fire service.
- Administers a voluntary certification and regulation program for qualified volunteer fire protection personnel, fire departments, and training facilities.
- Verifies compliance with continuing education requirements for all certificate holders and renews all certifications annually.
- Processes notices of termination received from departments when personnel leave employment.
- Provides information to public, current certificate holders or prospective certificate holders concerning processes and requirements

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

In FY05, the fire service standards certification team:

- issued 7,939 new fire protection personnel certificates;
- renewed 23,824 certified fire protection personnel;
- processed 2,480 notices of appointment;
- processed 1,289 notices of termination;
- processed 6,594 IFSAC seals;
- conducted 2,355 criminal history checks on certification candidates;
- generated \$791,510 in certification, IFSAC seals and renewal fees; and,
- renewed 208 training facilities.

In FY06, the fire service standards certification team:

- issued 7,917 new fire protection personnel certificates;
- renewed 24,922 certified fire protection personnel;
- processed 2,655 notices of appointment;
- processed 1,573 notices of termination;
- processed 7,799 IFSAC seals;
- processed 2,373 criminal history checks on certification candidates;
- generated \$824,845 in certification, IFSAC seals and renewal fees; and,
- renewed 223 training facilities.

In Texas, minimum standards for certification as a fire fighter exceed those of many other states. The International Fire Service Accreditation Congress (IFSAC) has accredited several of the commission's testing processes for certification.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The commission initially offered basic certifications for Structural Fire Suppression, Aircraft Rescue Fire Fighter, Marine Fire Fighter, Fire Investigator and Fire Inspector. In response to the demands of the Texas fire service, the commission has added nine additional certifications for Hazardous Materials Technician, Driver/Operator Pumper, Fire Service Instructor (four levels), Fire Officer I and II, and Head of Department. All commission certifications are based upon the job performance requirements identified in the applicable National Fire Protection Association (NFPA) Standard.

Accreditation of the commission's testing program and all certifications by the International Fire Service Accreditation Congress (IFSAC) has enabled the commission to issue IFSAC seals. As a result, the commission grants reciprocity to applicants from other IFSAC jurisdictions who come to work in Texas.

The commission's original scope was limited to paid fire protection personnel. A change brought about by the 1997 sunset legislation gave individuals not affiliated with fire departments the ability to maintain their commission certifications. The commission estimates that approximately 2,600 individuals per year will take advantage of this opportunity.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The certification program affects every paid fire fighter and fire department in the state. Individuals must master the subject matter and become certified before they can assume those particular duties for the fire department.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The certification section consists of a team leader and three program specialists.

The commission's support services division receives all applications and fees. The support services staff logs the application information into the agency's database system, and accounts for and deposits the application fees. The support services staff then prepares a "work batch" and forwards it to the certification personnel.

The certification staff reviews all applications and supporting documentation, then processes and awards the appropriate certifications if the applicant meets all the requirements. The certification team performs criminal history checks and follows agency policies to determine an applicant's eligibility.

The certification staff's goals are to:

- review, process and mail 87 percent of all applications for certification within ten days; and
- review, process and mail 95 percent of all certification renewals within seven days.

The certification staff places all incomplete applications in a hold file for up to 14 days while requesting complete information from the applicant.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funds are appropriated from Strategy B.1.1 Fire Department Standards, from General Revenue – Insurance Companies Maintenance Tax and Insurance Department Fees and Appropriated Receipts.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

No other state agency certifies the state's paid fire fighters to enable them to gain employment.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

N/A

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Neubus, Inc. was contracted with to digitize approximately 480,000 applications and supporting documentation of certified fire fighters.

- The amount of those expenditures for FY 06 was \$26,943.
- There were three contracts with Neubus, Inc.
- The first contract, for \$21,410, was to have Neubus staff print out and associate the Production Control System (PCS) barcode pages to each corresponding file and box material for shipment to Neubus.
- The second contract, \$5,542, was for Neubus: to provide Electronic Service Delivery (ESD) database and screen customization; to pick up files and transport to their facility; image capture of commission documents and return files to the commission.
- A third contract in FY07 for \$4,838 was for annual recurring ESD web storage fee.

Please refer to Item V-C, page 16.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

N/A

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

- Regulation promotes the safety of the fire fighters and ensures that they receive a level of training that enables them to demonstrate competence to the applicable NFPA Standard.
- The commission verifies continuing education (CE) hours to ensure personnel continue to train to maintain proficiency. Compliance inspectors go to each department once during the biennium and verify assignments, certifications and CE hours.
- The commission gives fire departments 14 days to respond to any problems. Generally, departments correct required deficiencies within that time frame. If individuals are assigned to duties requiring certification and are found not be holding those certifications, the departments are directed to remove the individuals from those duties until they obtain the proper certification.
- Sanctions are available in the enabling legislation and in Chapter 445 of the commission rules. (Fines range from \$300 per violation up to \$600 for repeat violations.)
- Procedures for investigation of complaints against regulated entities are covered in enabling legislation and § 435.19 of the commission rules.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Texas Commission on Fire Protection Certification		
Exhibit 12: Information on Complaints Against Regulated Persons or Entities Fiscal Years 2005 and 2006		
	FY 2005	FY 2006
Total number of regulated persons	24,471	26,155
Total number of regulated entities	1,100 approx.	1,100 approx.
Total number of entities inspected	N/A	N/A
Total number of complaints received from the public	N/A	N/A
Total number of complaints initiated by agency	N/A	N/A
Number of complaints pending from prior years	N/A	N/A
Number of complaints found to be non-jurisdictional	N/A	N/A
Number of jurisdictional complaints found to be without merit	N/A	N/A
Number of complaints resolved	N/A	N/A
Average number of days for complaint resolution	N/A	N/A
Complaints resulting in disciplinary action:	N/A	N/A
administrative penalty	N/A	N/A
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	N/A	N/A

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Administer Grant Program
Location/Division	Austin, Texas / Support Services Division
Contact Name	Ana R. Muñoz
Actual Expenditures, FY 2006	\$ 772,815
Number of FTEs as of August 31, 2006	0.8 <i>(Will be 0 in FY08 – program costs will be paid out of Indirect Administration.)</i>

B. What is the objective of this program or function? Describe the major activities performed under this program.

To provide funding assistance to qualifying fire departments for needed firefighting equipment, training, and facilities.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

Type	FY07	Measure
Key	26%	Percent of total amount requested for loans/grants compared with requests awarded.
Explanatory	\$ 2,501,823	Amount requested by fire departments for loans and grants.
Comment	71%	Percent of all applicants who received some funding.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

During the 79th Legislature, SB879 added a new requirement for applicants to report to the Texas Fire Incident Reporting System (TEXFIRS) and participate in the National Incident Management System (NIMS). It also struck language that prohibited use of funds appropriated to that strategy for administrative costs.

The 80th Legislature passed HB 2484, changing the funds allocation advisory committee membership appointing organizations. Previously, three committee members were appointed by the State Firemen's and Fire Marshals' Association (SFFMA) and three were appointed by the Texas State Association of Fire Fighters (TSAFF). The bill reduced the number of appointments by each organization to two, and allowed the Texas Fire Chiefs Association (TFCA) to appoint two members.

The 80th Legislature also passed a rider (Rider 4) to the General Appropriations Act limiting the funds in the funding program strategy solely to grants and loans to fire departments.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

This program is available to all Texas fire departments (career/paid, volunteer, or combination). Eligible fire departments are NIMS compliant, report to TEXFIRS or NFIRS (National Fire Incident Reporting System), participate in a training certification program, have a federal tax ID number, and organizational charter number.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The Funds Allocation Advisory Committee meets twice a year, usually in April and October, to review applications for funding assistance and make recommendations to the Texas Commission on Fire Protection Commission. Applications are due no later than 30 days prior to meeting day. Information is entered into a database to track and provide reports. All applications are provided to each advisory committee member one week before their meeting. Departments approved for funding assistance will receive a contract specifying the amount of the award, type of equipment to be purchased and procurement procedures.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funds are appropriated in Strategy A.2.1 Administer Grant Program, from General Revenue – Insurance Companies Maintenance Tax and Insurance Department Fees.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

Texas Forest Service – HB 2604 (79R) serves only Texas fire departments with 20 or less paid personnel (includes administrative staff) and allocates funds by geographic region.

Assistance to Firefighters Grants – Federal Emergency Management Agency (FEMA) serves all the United States.

US Department of Agriculture – serves all of the United States and provides funds for trucks and buildings only.

Rural Volunteer Fire Department Insurance Program (HB 3667) also administered by the Texas Forest Service. This program is a grant program and assists rural volunteer fire departments in the payment of workers compensation insurance and accidental death and disability insurance.

Volunteer Fire Department Helping Hands Program (HB 680) also administered by the Texas Forest Service. The program provides liability relief to industry, businesses, cities, and other groups or individuals who donate surplus fire and emergency equipment to the Texas Forest Service. The donated equipment is then distributed to volunteer fire departments across the state.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The application for the fire department emergency funding program requests information regarding any assistance provided by other organizations to avoid duplicate awards.

All departments with fewer than 20 paid personnel are referred to the Texas Forest Service Program for any requested training assistance.

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

N/A

K. If contracted expenditures are made through this program please provide:

- **the amount of those expenditures in fiscal year 2006;**
- **the number of contracts accounting for those expenditures;**
- **a short summary of the general purpose of those contracts overall;**
- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

This program does not have any contracted expenditures as defined by this *Self-Evaluation Report*. This program did however award \$736,631 in grants and loans to fire departments throughout the state. In order to get the funds to the fire departments as quickly as possible, the funds are distributed based on the bids provided; receipts are required from the fire department to complete the contract.

Please refer to Item V-C, page 16.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

N/A

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

N/A

VIII. Statutory Authority and Recent Legislation

A. Fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2003 - 2007, or earlier significant Attorney General opinions, that affect your agency's operations.

Texas Commission on Fire Protection Exhibit 13: Statutes/Attorney General Opinions	
Statutes	
Citation/Title	Authority/Impact on Agency
Chapter 419, Government Code	Establishes commission and provides authority to certify and regulate fire protection personnel.

Attorney General Opinions	
Attorney General Opinion No.	Impact on Agency
OR2004-6887	Allows the agency to redact the name, address, city and zip code of fire fighters who hold peace officer certification from public information releases.

B. Provide a summary of recent legislation regarding your agency by filling in the chart below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation).

Texas Commission on Fire Protection Exhibit 14: 80th Legislative Session Chart		
Legislation Enacted - 80th Legislative Session		
Bill Number	Author	Summary of Key Provisions
HB 2484	Rep. Menendez	Relating to the funds allocation advisory committee of the Texas Commission on Fire Protection
HB 1915	Rep. Swinford	Relating to the creation of an online fire department registry by the Texas Forest Service

Legislation Not Passed - 80th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Reason the Bill Did Not Pass
HB 738	Rep. Bonnen	<p>Vetoed: Relating to an exemption from Texas Commission on Fire Protection training requirements for certain aircraft fire fighting and rescue fire protection personnel.</p> <p>The bill would have permitted a person employed by a Class IV airport, which has an Airport Operating Certificate from the Federal Aviation Administration (FAA), to be appointed to a paid position with aircraft fire fighter responsibilities.</p> <p>The bill was vetoed because it would unnecessarily impact the standardization of airport fire fighting and the regulatory authority of the Texas Commission on Fire Protection.</p>

IX. Policy Issues

The purpose of this section is to briefly describe any potential issues raised by your agency, the Legislature, or stakeholders that Sunset could help address through changes in statute to improve your agency's operations and service delivery. This section is intended to give the Sunset Commission a basic understanding of the issues so staff can collect more information during our detailed research on your agency. Some questions to ask in preparing this section may include: (1) How can your agency do a better job in meeting the needs of customers or in achieving agency goals? (2) What barriers exist that limit your agency's ability to get the job done?

Emphasis should be given to issues appropriate for resolution through changes in state law. Issues related to funding or actions by other governmental entities (federal, local, quasi-governmental, etc.) may be included, but the Sunset Commission has no authority in the appropriations process or with other units of government. If these types of issues are included, the focus should be on solutions which can be enacted in state law. This section contains three components:

Brief Description of Issue.

Background. Include enough information to give context for the issue. Information helpful in building context includes:

- What specific problems or concerns are involved in this issue?
- Who does this issue affect?
- What is the agency's role related to the issue?
- Any previous legislative action related to the issue?

Possible Solutions and Impact. Provide potential recommendations to solve the problem. Feel free to add a more detailed discussion of each proposed solution, including:

- How will the proposed solution fix the problem or issue?
- How will the proposed change impact any entities or interest groups?
- How will your agency's performance be impacted by the proposed change?
- What are the benefits of the recommended change?
- What are the possible drawbacks of the recommended change?
- What is the fiscal impact of the proposed change?

Complete this section for each policy issue. Copy and paste boxes A through C as many times as needed to discuss each issue.

A. Brief Description of Issue

In Texas, paid fire fighters are required by statute to be certified by the Texas Commission on Fire Protection. Departments which employ paid fire fighters must meet state standards for certification and training, personal protective equipment, self-contained breathing apparatus and breathing air, and must develop standard operating procedures for incident management, personnel operating at emergency scenes, and several other requirements.

Volunteer fire fighters, and volunteer fire departments, are not regulated by the state. The state also does not regulate private-sector industry fire fighters. However, private-sector industry fire fighters generally must meet Occupational Health and Safety Administration (OSHA) requirements.

The protective equipment used by volunteer fire fighters is not subject to any inspection or required standard. The breathing air systems used by volunteer fire departments are not subject to any verification of quality.

The commission currently certifies approximately 26,000 paid individuals and regulates approximately 1,100 fire service entities. The commission estimates that there may be as many as 50,000 volunteer fire fighters and 2,000 volunteer fire departments throughout the state, and a small number of private-sector fire fighters.

The question of whether the State of Texas should regulate volunteer fire fighters and volunteer fire departments has been asked many times. The commission itself does not take a position on this issue; instead, the commission stands ready to work with the Legislature and all affected interest groups and parties to implement any decisions made with regard to the issue. We are simply raising it in this context to present some of the concerns and to alert the Sunset Advisory Commission that the question may come up in discussions with fire service interest groups.

B. Discussion

The first fire commission was created by the 61st Legislature in 1969 at the urging of the paid fire fighters' union. The commission was directed to develop a mandatory certification program for employees of fire departments of local governments where the entire department was fully paid. This restricted the commission's authority to fully paid *departments* located in major metropolitan areas of the state. In 1971 the statute was amended to include all fully paid fire protection *personnel* whether or not the entire department was fully paid. This amendment increased the commission's regulatory authority to include combination departments but still applied only to fully paid employees of local governments. This position was in line with the desires of the state's volunteer fire fighters' organization, which at that time did not favor any state regulation or certification of volunteer fire fighters.

Over the years the Texas fire service, both paid and volunteer, through participation in the commission's rulemaking process, has developed standards for paid fire fighters that comply with nationally recognized standards to ensure that fire fighters can perform their duties with the degree of expertise required when supplying a public safety service.

The commission standard initially specified that a fire fighter must be trained prior to his or her assignment to a fire-fighting position. This standard is in line with standards developed by the Texas

Commission on Law Enforcement Officer Standards and Education (the licensing agency for peace officers) and the Texas Department of State Health Services (the licensing agency for emergency medical personnel).

The commission operated in this manner until 1991 when, with the agreement of the volunteer fire fighters' organization, the legislature amended the statute to direct the commission to develop a separate, totally voluntary state certification program for volunteer fire fighters. It was made clear by the legislature that there would be *no mandatory regulation of volunteer fire fighters nor any requirement for volunteer fire fighters to participate in the state certification program*. In 1993 the legislature further amended the statute to create a "bridging mechanism" between the state's certification program and the State Firemen's and Fire Marshals' Association's (SFFMA's) volunteer certification program, a path for volunteer fire fighters to become eligible for assignment as paid fire fighters was established. (The SFFMA is one of the largest trade organizations in Texas. It has been in existence for more than 130 years.)

In the ensuing years, the commission's volunteer and paid certifications have drawn closer together. Chapter 419, Subchapter F, now requires the volunteer certification program to include the same elements as the paid certification program.

A volunteer fire fighter often starts his or her participation in the fire service by becoming a member of a volunteer department and assuming a fire protection position, and then afterwards entering a training program approved by the commission. Volunteer training programs are often delivered by the department, at a pace prescribed by the department. Volunteer departments frequently train new fire fighters during the one- or two-hour training sessions conducted by the department on a weekly or biweekly basis for the purpose of maintaining the proficiency of their regular members. A volunteer training program may take several years to complete. Upon completion of the training program, the individual is eligible to take the commission certification examination.

Since the institution of the volunteer certification program, there has been much discussion within the fire service and by the commission about the possibility of a single certification program for all persons engaged in fire protection, whether paid or volunteer, public or private.

Many volunteer departments participate in the Texas Emergency Services Retirement System administered by the Fire Fighters Pension Commission. In order to participate in the program, a volunteer member must be a member of a fire department that offers at least 48 hours of training per year and the member must participate in at least 20 hours of training each year. The continuing education requirement is consistent with the commission's requirements.

Current statute and rules are the result of 30 years of development to a point that ensures the citizens of Texas that paid fire departments have personnel that can demonstrate a level of competency commensurate with the nature of the emergency service required and supplied. The current programs require the volunteer fire service to obtain the same level of competency required for paid fire fighters to become certified by the commission.

Any rewrite of the statute and rules to mandate volunteer certification would have to be done carefully to ensure that the citizens of the state do not experience a reduction in fire protection services. The current standard for paid fire protection personnel requires specific training and the passing of a state test prior to assignment. Although this requirement assures competency for paid personnel, it would be viewed as a hardship by the volunteer fire service, where it is common practice to allow personnel to begin participation in fire suppression activities with very little, or in some cases, no training.

C. Possible Solutions and Impact

The current certification program for paid fire protection personnel collects annual certification and testing fees from approximately 26,000 paid fire fighters employed by local governments.

If a single certification program was adopted that included paid fire fighters from the private sector there would be a small increase in state revenue. Since the commission has never regulated fire protection personnel in the private sector, it does not know the number of persons employed in this area and so cannot estimate the potential revenue at this time.

Thousands of individual fire fighters not affiliated with a fire department have chosen to participate in the commission's certification program.

The number of volunteer fire fighters in the state has been estimated to be as many as 50,000. A mandatory certification program that included volunteer fire fighters would increase revenue for the state significantly and would increase the workload for the commission proportionally.

The current certification program for paid fire protection personnel employed by local governments requires the local government to bear the cost of the initial basic certification, the cost of additional certifications, and annual certification renewals for their employees. Local governments that choose to provide the basic training required by the commission bear the cost of employing the individual during training as well as the cost of the training itself.

Many local governments choose to employ only individuals who are already certified or meet all training requirements for certification.

If a single certification program was adopted which was mandatory for volunteer fire fighters, and if local governments were required to bear the cost of the program for volunteers (as they are now for paid fire fighters), there would be a significant cost increase to local governments.

If a certification program was adopted that required certification of fire protection personnel in the private sector, there would be a significant cost incurred by the industry if the employer was required to bear the cost of certification. The cost would vary depending on whether the employer chose to provide training or to hire certifiable persons.

The public ultimately pays the cost for any public service, so the public would bear the cost of any certification program for all fire protection personnel in the state. If individual fire fighters are required to bear the cost of their certification then a smaller percentage of the public will bear the cost. If the state requires local governments or industry to bear the cost, then that cost will be spread to all of the public.

X. Other Contacts

A. Fill in the following chart with updated information on people with an interest in your agency, and be sure to include the most recent e-mail address.

Texas Commission on Fire Protection Exhibit 15: Contacts			
INTEREST GROUPS (groups affected by agency actions or that represent others served by or affected by agency actions)			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address
Texas State Association of Fire Fighters (TSAFF) Mike Higgins	627 Radam Lane Austin, Texas 78745	(512) 326-5050	mhiggins@tsaff.org
Texas Fire Chiefs' Association (TFCA) Dr. Jim Gaston	PO Box 66700 Austin, TX 78766	(512) 454-6350	jpgaston@texasfirechiefs.org
State Firemen's and Fire Marshals' Association of Texas (SFFMA) Chris Barron	PO Box 66700 Austin, TX 78766	(512) 454-3473	cbarron@sffma.org
Texas Fire Marshals Association (TFMA) Kurt Harris	122 S Alamo Weatherford, TX 76086	(817) 598-4280	kharris@weatherfordtx.gov
Texas Association of Fire Educators Jeff Tokar	Garland Fire Department 217 N. Fifth Street Garland, TX 75040	(972) 205-2272	jtokar@ci.garland.tx.us

INTERAGENCY, STATE, OR NATIONAL ASSOCIATIONS (that serve as an information clearinghouse or regularly interact with your agency)			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address
State Fire Marshal's Office Paul Maldonado	PO Box 14922 78714-9221	(512) 305-7900	fire.marshal@tdi.state.tx.us
Texas Forest Service Jim Hull	301 Tarrow Suite 364 College Station, TX 77840- 7896	(979) 458-6606	jhull@tfs.tamu.edu
Texas Engineering Extension Service/ Emergency Services Training Institute (TEEX/ESTI) Les Bunte Texas Fire School Advisory Board Michael Hunt (commission representative)	301 Tarrow St College Station, TX 77840- 7896	(979) 854-3004	les.bunte@teexmail.tamu.edu

LIAISONS AT OTHER STATE AGENCIES (with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)			
Agency Name/Relationship/ Contact Person	Address	Telephone	E-mail Address
Office of the Attorney General / General Counsel / Jim Crowson	209 W. 14 th St., PO Box 12548 Austin, TX 78711-2548	512-475-1556	James.Crowson@ oag.state.tx.us
Legislative Budget Board / Assigned Analyst / Angela Isaack	1501 Congress Ave., 5 th Floor Austin, TX 78711-2666	512-463-1037	Angela.Isaack@ lbb.state.tx.us
Comptroller of Public Accounts / Appropriation Control Officer / Sarah Clawson	111 E. 17 th , PO Box 13528 Austin, TX 78711	512-475-0115	Sarah.Clawson@ cpa.state.tx.us
Office of the Governor - Budget, Planning and Policy / Governor's Advisor / Kyle V. Mitchell	Capitol Building, PO Box 12428 Austin, TX 78711	512-475-3157	kyle.mitchell@ governor.state.tx.us

XI. Additional Information

A. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency's practices.

Texas Commission on Fire Protection Exhibit 16: Complaints Against the Agency C Fiscal Years 2005 and 2006		
	FY 2005	FY 2006
Number of complaints received	0	0
Number of complaints resolved	0	0
Number of complaints dropped/found to be without merit	0	0
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	N/A	N/A

B. Fill in the following chart detailing your agency's Historically Underutilized Business (HUB) purchases.

Texas Commission on Fire Protection Exhibit 17: Purchases from HUBs				
FISCAL YEAR 2004				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	0	0	0	11.9%
Building Construction	0	0	0	26.1%
Special Trade	0	0	0	57.2%
Professional Services	\$4,740	\$4,740	100%	20.0%
Other Services	\$39,170	\$22,177	56.6%	33.0%
Commodities	\$52,831	\$5,332	10.0%	12.6%
TOTAL	\$96,741	\$32,249	33.3%	

FISCAL YEAR 2005				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	0	0	0	11.9%
Building Construction	0	0	0	26.1%
Special Trade	\$456	0	0	57.2%
Professional Services	\$6,149	\$6,149	100%	20.0%
Other Services	\$23,543	\$2,075	8.8%	33.0%
Commodities	\$73,670	\$16,506	22.4%	12.6%
TOTAL	\$103,820	\$24,730	23.8%	
FISCAL YEAR 2006				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	0	0	0	11.9%
Building Construction	0	0	0	26.1%
Special Trade	0	0	0	57.2%
Professional Services	\$6,210	\$6,210	100%	20.0%
Other Services	\$38,852	\$15,483	39.8%	33.0%
Commodities	\$50,214	\$5,379	10.7%	12.6%
TOTAL	\$95,277	\$27,073	28.4%	

C. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy?

As stated in its strategic plan, the commission's goal is to carry out policies governing purchasing that foster meaningful and substantive inclusion of historically underutilized businesses according to Government Code 2161.123. The commission obtains at least one informal bid form a certified HUB vendor for items over \$2,000. The commission follows Texas Building and Procurement Commission (TBPC) rules for items over \$10,000. Outcome and Output measures for this goal are reported to executive staff and the commission on a quarterly basis.

D. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Tex. Government Code, Sec. 2161.252; TAC 111.14)

N/A

E. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

	Response / Agency Contact
1. Do you have a HUB coordinator? (Tex. Government Code, Sec. 2161.062; TAC 111.126)	Yes / Gilbert Gipson
2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Tex. Government Code, Sec. 2161.066; TAC 111.127)	N/A
3. Has your agency developed a mentor-protege program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Tex. Government Code, Sec. 2161.065; TAC 111.128)	N/A

F. Fill in the chart below detailing your agency's Equal Employment Opportunity (EEO) statistics.

Texas Commission on Fire Protection							
Exhibit 18: Equal Employment Opportunity Statistics							
FISCAL YEAR 2004							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	4	25%	7%	25%	11%	50%	31%
Professional	11	9%	9%	0%	10%	36%	47%
Technical	17	6%	14%	0%	18%	29%	39%
Protective Services	N/A		18%		21%		21%
Para-Professionals	1	0%	18%	0%	31%	100%	56%
Administrative Support	2	0%	19%	0%	27%	100%	80%
Skilled Craft	N/A		10%		28%		10%
Service/Maintenance	N/A		18%		44%		26%
FISCAL YEAR 2005							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	3	33%	7%	33%	11%	33%	31%
Professional	13	8%	9%	0%	10%	46%	47%
Technical	13	8%	14%	0%	18%	8%	39%
Protective Services	N/A		18%		21%		21%
Para-Professionals	1	0%	18%	0%	31%	100%	56%
Administrative Support	6	0%	19%	0%	27%	100%	80%
Skilled Craft	N/A		10%		28%		10%
Service/Maintenance	N/A		18%		44%		26%

FISCAL YEAR 2006							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	3	33%	7%	33%	11%	33%	31%
Professional	12	17%	9%	0%	10%	33%	47%
Technical	11	9%	14%	0%	18%	9%	39%
Protective Services	N/A		18%		21%		21%
Para-Professionals	1	0%	18%	0%	31%	100%	56%
Administrative Support	8	0%	19%	0%	27%	100%	80%
Skilled Craft	N/A		10%		28%		10%
Service/Maintenance	N/A		18%		44%		26%

G. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

The Texas Commission on Fire Protection has an active Equal Employment Opportunity policy established and actively promotes the policy to ensure all employees, applicants, vendors, etc., are provided a work environment free from illegal discrimination.

To address any shortfalls related to this policy, the commission, to the extent possible targets recruitment to maximize the number of qualified minorities, disabled, and females applying for available positions within each job category. This strategy utilizes a wide range of sources including, but not limited to, statewide minority, disability, and female organizations, educational institutions, the Texas Workforce Commission and the agency's website.

XII. Agency Comments

Provide any additional information needed to gain a preliminary understanding of your agency.

Common Acronyms

AFR	Annual Financial Report
CE	Continuing Education
ESTI	Emergency Services Training Institute
FAA	Federal Aviation Administration
FAAC	Funds Allocation Advisory Committee
FDEP	Fire Department Emergency Program
FEMA	Federal Emergency Management Agency
FFAC	Fire Fighter Advisory Committee
FSRS	Fire Suppression Rating Schedule
FSSC	Fire Service Standards and Certification
FTE	Full-Time Equivalent
GR	General Revenue
HAZMAT	Hazardous Materials
IFSAC	International Fire Service Accreditation Congress
IMS	Incident Management Systems
ISO	Insurance Services Office
LAR	Legislative Appropriations Request
LODD	Line of Duty Death
NFA	National Fire Academy
NFPA	National Fire Protection Association
NIMS	National Incident Management System
OAG	Office of the Attorney General
OSHA	Occupational Safety and Health Administration
PASS	Personal Alert Safety Systems
PPE	Personal Protective Equipment
SAO	State Auditor's Office
SCBA	Self-Contained Breathing Apparatus
SFFMA	State Firemen's and Fire Marshals' Association of Texas
SFMO	State Fire Marshal's Office
SOP	Standard Operating Procedure
TAC	Texas Administrative Code
TAFE	Texas Association of Fire Educators
TBPC	Texas Building and Procurement Commission
TCFP	Texas Commission on Fire Protection
TCI	Texas Correctional Industries
TDI	Texas Department of Insurance
TEEX	Texas Engineering Extension Service
TEXFIRS	Texas Fire Incident Reporting System
TFCA	Texas Fire Chiefs Association
TFS	Texas Forest Service
TIBH	Texas Industries for the Blind and Handicapped
TML	Texas Municipal League
TSAFF	Texas State Association of Fire Fighters
VFD	Volunteer Fire Department
WMD	Weapons of Mass Destruction

Attachments

Submit the following supplemental data or documents with the hard copy of the Self-Evaluation Report. Label each attachment with its number (e.g., Attachment 1). As part of the electronic version, attach a list of items submitted, but do not attach the actual documents to the electronic submission.

Attachments Relating to Key Functions, Powers, and Duties

1. A **copy** of the agency's enabling statute.
Title 4, Subtitle B, Chapter 419
2. A **copy** of each annual report published by the agency from FY 2002 - 2006.
N/A
3. A **copy** of each internal or external newsletter published by the agency from FY 2005 - 2006.
NewsLine Volume 14, No. 1, January 2005 and Volume 14, No. 2, June, 2005
4. A **list** of publications and brochures describing the agency.
Agency Strategic Plan for Fiscal Years 2007-2011
Agency program pamphlets for:
Certification
Compliance
Curriculum
Training Approval & Testing
Fire Department Emergency Program
Ernest A. Emerson Fire Protection Resource Library
Emerson Library training resource bibliographies for:
Emergency Medical Services
Emergency Vehicles-Safe Operations and Defensive Driving
Fire Fighter Safety
Hazardous Materials
ICS/NIMS
Rescue
5. A **list** of studies that the agency is required to do by legislation or riders.
N/A
6. A **list** of legislative or interagency studies relating to the agency that are being performed during the current interim.
N/A
7. A **list** of studies from other states, the federal government, or national groups/associations that relate to or affect the agency or agencies with similar duties or functions.
N/A

Attachments Relating to Policymaking Structure

8. Biographical information (e.g, education, employment, affiliations, and honors) or resumes of all policymaking body members.
Texas Commission on Fire Protection Commissioners' biographical information
9. A **copy** of the agency's most recent rules.
Standards Manual for Fire Protection Personnel on CD-ROM

Attachments Relating to Funding

10. A **copy** of the agency's Legislative Appropriations Request for FY 2008-2009.
Legislative Appropriations Request for Fiscal Years 2008 and 2009
11. A **copy** of each annual financial report from FY 2004 - 2006.
Annual Financial Report for the Year Ended August 31, 2004
Annual Report of Non-Financial Data for the Year Ended August 31, 2004
Annual Report of Non-Financial Data for the Year Ended August 31, 2005
Annual Financial Report Closing Package for Year Ended August 31, 2005
Annual Report of Non-Financial Data for the Year Ended August 31, 2006
Annual Financial Report for the Year Ended August 31, 2006
12. A **copy** of each operating budget from FY 2005 - 2007.
LAR for Fiscal Years 2006 and 2007--See column Bud 2005
Operating Budget for Fiscal Year 2006
LAR for Fiscal Years 2008 and 2009--See column Bud 2007

Attachments Relating to Organization

13. If applicable, a map to illustrate the regional boundaries, headquarters location, and field or regional office locations.
Regional Map
Regional Offices
Headquarters Location Map

Attachments Relating to Agency Performance Evaluation

14. A **copy** of each quarterly performance report completed by the agency in FY 2004 - 2006.
Quarterly Performance Measures for FY 2004, 2005, 2006
15. A **copy** of any recent studies on the agency or any of its functions conducted by outside management consultants or academic institutions.
N/A
16. A **copy** of the agency's current internal audit plan.
TCFP Summary of 2007 Risk Assessment
17. A **list** of internal audit reports from FY 2003 - 2007 completed by or in progress at the agency.
Summary of Audits, FY 2002 (the last year an internal audit was performed)
18. A **list** of State Auditor reports from FY 2003 - 2007 that relate to the agency or any of its functions.
N/A
19. A **copy** of any customer service surveys conducted by or for your agency in FY 2006.
Report on Customer Service Surveys, Fiscal Years 2004-2005