

CHAPTER 209

H.B. No. 842

AN ACT

relating to fire prevention and fire-fighting support activities of the Texas Forest Service.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 88.101, Education Code, is amended to read as follows:

Sec. 88.101. DIRECTOR OF TEXAS FOREST SERVICE. ~~[(a)]~~ The board shall appoint a director of the Texas Forest Service, who shall be a technically trained forester with not less than two years of experience in professional forestry work.

~~[(b) In this subchapter, "director" means the director of the Texas Forest Service.]~~

SECTION 2. Subchapter B, Chapter 88, Education Code, is amended by adding Sections 88.1015 and 88.117–88.120 to read as follows:

Sec. 88.1015. DEFINITIONS. *In this subchapter:*

- (1) "Director" means the director of the Texas Forest Service.
- (2) "Wildfire" means any fire occurring on wildland except a fire that constitutes controlled burning within the meaning of Section 28.01, Penal Code.
- (3) "Wildland" means an area in which there is virtually no development except for:
 - (A) roads, railroads, transmission lines, and similar transportation facilities; or
 - (B) development related to use of the land for park purposes or for timberland or other agricultural purposes.

Sec. 88.117. STATEWIDE FIRE CONTINGENCY ACCOUNT. (a) The statewide fire contingency account is established as an account in the general revenue fund.

(b) The governor, the board, and the director may accept gifts and grants, including federal grants, and other federal assistance for deposit into the account. This program will be funded through private gifts, grants, or assistance.

(c) Money in the account may be used only to:

- (1) develop and deploy fire overhead management teams;
 - (2) pay the direct costs of using Texas Forest Service equipment and personnel to support local fire-fighting forces in the suppression of fires during wildfire emergencies or threatened wildfire emergencies;
 - (3) pay the direct costs of local fire-fighting forces that are mobilized to respond to wildfire emergencies or threatened wildfire emergencies in aid of another fire-fighting force;
 - (4) pay for any expenses incurred by the Texas Forest Service, or otherwise by the state, when fires are combatted under the South Central Interstate Forest Fire Prevention Compact or with the assistance of the federal forest service; and
 - (5) pay for any other expenses that the director is required to pay from this account under federal law.
- (d) Money in the account may not be used or transferred from the account except for the purposes prescribed by Subsection (c) of this section or as required by Subsection (e) of this section.

(e) Any unobligated amount over \$1,000,000 remaining in the account on August 31 of each year shall be transferred into the undedicated portion of the general revenue fund except as prohibited by other law.

Sec. 88.118. **STATEWIDE FIRE COORDINATION CENTER.** (a) The director shall establish a statewide fire coordination center.

(b) The center shall provide continuous dispatching services for wildland fire control in the six Texas Forest Service dispatch areas in eastern Texas.

(c) The center shall provide a central location for statewide:

(1) wildfire monitoring;

(2) coordination of the response to each major or potentially major wildland fire in the state, including fires in places where urban areas and rural areas meet, with the coordination function including a direct liaison with the state emergency operating center; and

(3) assistance to fire-fighting forces in obtaining the transfer of needed and available resources.

Sec. 88.119. **REGIONAL WILDFIRE COORDINATORS.** (a) The director shall divide the state into six wildfire control regions to coordinate fire control in rural areas and in places where rural areas and urban areas meet. The boundaries of the regions must be the same as existing Department of Public Safety regions that include state disaster district boundaries to the extent that the director determines that the same boundaries are practical.

(b) The director shall employ and assign a regional wildfire coordinator to each fire control region.

(c) Each regional wildfire coordinator shall, with respect to the coordinator's region:

(1) train, prepare, and coordinate fire fighters to respond to wildfire incidents locally, regionally, and statewide;

(2) inform the statewide coordination center of regional wildfire loads and of additional resources that may be required to handle a fire load;

(3) communicate as necessary with appropriate federal officials;

(4) assist and promote the development of mutual aid agreements among fire-fighting forces;

(5) develop wildfire strike teams and overhead strike teams;

(6) coordinate and assess the need for wildland fire training;

(7) coordinate the rural community fire protection program;

(8) coordinate response activities through the appropriate state disaster district; and

(9) evaluate and acquire excess federal equipment and other property for use in the region.

(d) The director shall acquire and assign to each wildfire control region a regional command post that has the capability to assist in the management of wildland fires and other disasters, including disasters not related to fire. The director and the director's designees shall determine when the regional command post may be used by personnel under the control of the director and when the regional command post may be used by local fire-fighting forces or other emergency response personnel. Each regional command post shall include mobile communications equipment, including a radio repeater and a supply of other necessary radio equipment.

Sec. 88.120. **WILDFIRE TRAINING.** The Texas Forest Service is the lead agency of the state for providing and coordinating training in fighting wildland and forest fires.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 30, 1993: Yeas 140, Nays 0, one present not voting; the House concurred in Senate amendments to H.B. No. 842 on May 10, 1993: Yeas 135, Nays 0, three present not voting; passed by the Senate, with amendments, on May 4, 1993: Yeas 31, Nays 0.

Approved May 19, 1993.

Effective May 19, 1993.