

CHAPTER 912

S.B. No. 1110

AN ACT

relating to state regulation and assistance in the field of fire protection, including the powers and duties of the Texas Commission on Fire Protection; providing a penalty.

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

SECTION 1. Subsection (a), Section 419.004, Government Code, is amended to read as follows:

(a) The commission is composed of the following 12 members:

(1) three chief officers with a minimum rank of battalion chief employed in fire departments as defined by Section 419.021 that are under the jurisdiction of the commission, at least two of whom must be the heads of their fire departments, and one of whom must be employed by a political subdivision with a population of less than 50,000, one must be employed by a political subdivision with a population of 50,000 to 200,000, and one must be employed by a political subdivision with a population of more than 200,000;

(2) three fire protection personnel as defined by Section 419.021 with the rank of captain or below employed in fire departments or other appropriate local authorities under the jurisdiction of the commission, at least one of whom must be actively involved in educating the public on fire prevention as a significant part of the person's duties, and one of whom must be employed by a political subdivision with a population of less than 50,000, one must be employed by a political subdivision with a population of 50,000 to 200,000, and one must be employed by a political subdivision with a population of more than 200,000;

(3) three persons who are volunteer fire chiefs or volunteer fire fighters;

(4) one certified fire protection engineer;

(5) one certified arson investigator; and

(6) one fire *protection* [~~science~~] instructor from an institution of higher education as defined by Section 61.003, Education Code.

SECTION 2. Subsection (a), Section 419.007, Government Code, is amended to read as follows:

(a) The fire *protection* [~~science~~] instructor appointed under Section 419.004(a)(6) serves as the presiding officer of the commission unless the governor designates another member as presiding officer. The commission shall elect from among its members an assistant presiding officer and a secretary.

SECTION 3. Section 419.008, Government Code, is amended by adding Subsection (k) to read as follows:

(k) *The commission may use pertinent and timely facts relating to fires to develop educational programs and disseminate materials necessary to educate the public effectively regarding methods of fire prevention and safety.*

SECTION 4. Section 419.021, Government Code, is amended to read as follows:

Sec. 419.021. DEFINITIONS. (a) In this subchapter:

(1) "Aircraft *fire fighting* [~~crash~~] and rescue fire protection personnel" means permanent, fully paid, full-time local governmental employees who, as a permanent duty assignment, fight aircraft fires at airports, stand by for potential crash landings, and perform aircraft crash rescue.

(2) "Fire department" means a department of a local government with *one or more* permanent, fully paid, full-time employees organized to prevent or suppress fires.

(3) "Fire protection personnel" means:

(A) permanent, fully paid, full-time law enforcement officers designated as fire and arson investigators by an appropriate local authority;

~~[(B) aircraft crash and rescue fire protection personnel;] or~~

(B) ~~[(C)]~~ permanent, fully paid, full-time fire department employees who are not secretaries, stenographers, clerks, budget analysts, or similar support staff persons or other administrative employees and who are assigned duties in one or more of the following categories:

(i) fire suppression;

(ii) fire inspection;

(iii) fire and arson investigation;

(iv) marine fire fighting;

(v) aircraft [~~crash~~] fire fighting and rescue;

(vi) fire training;

(vii) fire education;

(viii) fire administration; and

(ix) any other position necessarily or customarily related to fire prevention and suppression.

(4) "Local government" means a municipality, a county, a special-purpose district or authority, or any other political subdivision of the state.

(5) "Marine fire protection personnel" means permanent, fully paid, full-time local governmental employees who work aboard a fireboat and fight fires that occur on or adjacent to a waterway, waterfront, channel, or turning basin.

(6) "Protective clothing" means garments, including turnout coats, bunker coats, *bunker pants*, boots, gloves, trousers, helmets, and protective hoods, worn by fire protection personnel in the course of performing fire-fighting operations.

(b) In this subchapter, an officer or employee of a fire department or other department of a local government is considered fully paid if the officer's or employee's annual compensation for performing one or more duties listed under Subsection (a)(3)(B), including the value of benefits and reimbursement for expenses, is at least equal to the amount of compensation a person would receive working 2,080 hours at the federal minimum wage.

(c) In this subchapter, an officer or employee of a fire department or other department of a local government is considered a full-time employee if the officer or employee works an average of 40 or more hours per week or averages approximately 40 or more hours per week during a work cycle, as appropriate, performing one or more duties listed under Subsection (a)(3)(B).

SECTION 5. Subsection (a), Section 419.022, Government Code, is amended to read as follows:

(a) The commission may:

(1) require the submission of reports and information by a local governmental agency in this state that employs fire protection personnel;

(2) assist fire departments and fire protection personnel with problems related to fire-fighting techniques, clothing, and equipment;

(3) assist fire departments and local governments with the development and updating of local fire codes;

(4) *on request, assist in performing* [~~recommend~~] *staffing studies of* [~~patterns to~~] *fire departments; and*

(5) establish minimum educational, training, physical, and mental standards for admission to employment as fire protection personnel in a permanent, temporary, or probationary status and for advanced or specialized fire protection personnel positions.

SECTION 6. Section 419.028, Government Code, is amended to read as follows:

Sec. 419.028. TRAINING PROGRAMS AND INSTRUCTORS. [~~(a) The commission shall establish and maintain fire protection training programs conducted by the commission staff or through agencies and institutions that the commission considers appropriate.~~] The commission may:

(1) authorize reimbursement for a local governmental agency for expenses in attending [~~the~~] training programs as authorized by the legislature;[~~;~~]

[~~(b) The commission may:~~]

(2) [(1)] through issuance or revocation of a certificate, approve or revoke the approval of an institution or facility for a school operated by or for this state or a local government specifically for training fire protection personnel or recruits;

[(2) ~~operate schools and school facilities and conduct preparatory, in-service, basic, and advanced courses in the schools and facilities, as the commission determines, for fire protection personnel or recruits;~~]

(3) certify persons as qualified fire protection personnel instructors under conditions that the commission prescribes;

(4) contract with persons or public or private agencies, as the commission considers necessary, for [~~services, facilities,~~] studies[~~;~~] and reports that the commission requires to cooperate with local governmental agencies in training programs and to otherwise perform its functions; [~~and~~]

(5) revoke the certification of fire protection personnel instructors; *and*

(6) *provide staff or educational materials on request to training programs or fire departments.*

SECTION 7. Section 419.032, Government Code, is amended by amending Subsection (a) and adding Subsections (f) through (h) to read as follows:

(a) A fire department may not appoint a person to the fire department, except on a temporary or probationary basis, unless the person:

(1) has satisfactorily completed a preparatory program of training in fire protection at a school approved [~~or operated~~] by the commission; and

(2) meets the qualifications established by the commission under Subsection (b).

(f) A local government may appoint a person to the position of head of the fire department, though the person is not certified by the commission as fire protection personnel, if the person either has at least 10 years' experience as a volunteer fire fighter or may be eligible to become certified under the provisions of Subsection (d) relating to other states or jurisdictions. The appointment is on a temporary basis pending certification of the person as fire protection personnel by the commission under this subsection. The temporary appointment may not be extended beyond one year by renewal of appointment or otherwise. In addition to rules adopted under Subsection (d) relating to other states or jurisdictions, the commission shall adopt rules for purposes of this subsection relating to presentation of evidence that a person has been a volunteer fire fighter for the required period. The rules may not include more stringent requirements on the nature of the volunteer fire departments with which a person may accumulate the required period of volunteer service than the requirements contained in the definition of an organized volunteer fire department under Section 2, Chapter 86, Acts of the 60th Legislature, Regular Session, 1967 (Article 6228f, Vernon's Texas Civil Statutes). The commission shall certify as fire protection personnel a person who is serving as a temporarily appointed department head under this subsection and who:

(1) presents satisfactory evidence that the person has been a volunteer fire fighter for at least 10 years and passes the commission's basic certification examination administered under this subchapter on the first or second attempt;

(2) presents satisfactory evidence that the person is eligible to be certified as fire protection personnel under Subsection (d) and passes the commission's basic certification examination administered under this subchapter on the first or second attempt; or

(3) satisfies the requirements of Subsections (a) and (b).

(g) This chapter does not prevent a fire department from assigning volunteer fire fighters, or other auxiliary fire fighters who are not fire protection personnel, to fire suppression, fire education, or fire station duties.

(h) This chapter does not prevent an employee of a local government from being a volunteer fire fighter.

SECTION 8. Subchapter B, Chapter 419, Government Code, is amended by adding Section 419.0321 to read as follows:

Sec. 419.0321. **PART-TIME FIRE PROTECTION EMPLOYEES.** (a) A fire department may employ part-time fire protection employees under this section. The commission shall create a separate certification class for part-time fire protection employees.

(b) To become certified as a part-time fire protection employee, a person must:

(1) satisfy the requirements of Sections 419.032(a) and (b) or Section 419.032(d) for certification as fire protection personnel; and

(2) be employed by a fire department as a temporary or probationary part-time fire protection employee.

(c) A fire department may not employ a person as a part-time fire protection employee, except on a temporary or probationary basis, unless the person has been certified by the commission as a part-time fire protection employee. A temporary or probationary employment may not extend beyond one year or be renewed, except that on petition of a fire department one year or more after the date that a temporary or probationary part-time employment expires, the commission may reinstate the person's temporary or probationary part-time employment.

(d) A person who is certified as a part-time fire protection employee and a fire department or local government that employs a part-time fire protection employee are subject to this subchapter and applicable commission rules to the same extent that this subchapter and applicable commission rules apply to certified fire protection personnel and to a fire department or local government in the employment of fire protection personnel.

(e) A part-time fire protection employee may not:

(1) work more than 24 hours a week or average more than approximately 24 hours a week during a work cycle, as appropriate, for an employing fire department; or

(2) work more than 500 hours a year for an employing fire department in duties related to fire suppression.

(f) A part-time fire protection employee may work, on a temporary basis only, in place of a person who is fire protection personnel who is absent from work because of vacation, illness, injury, or administrative leave. Work may not be assigned under this subsection in a manner that will cause a reduction in the number of authorized full-time positions in a fire department. Hours worked under this subsection are not counted when computing hours under Subsection (e)(1).

SECTION 9. Subchapter B, Chapter 419, Government Code, is amended by adding Section 419.0322 to read as follows:

Sec. 419.0322. CATEGORIES AND DESIGNATION OF PERSONS PERFORMING FIRE PROTECTION DUTIES. (a) Each person who is assigned by a fire department to perform one or more duties listed under Section 419.021(a)(3)(B) must be:

(1) fire protection personnel;

(2) a part-time fire protection employee; or

(3) a volunteer or other auxiliary fire fighter.

(b) Each fire department shall designate each person who is assigned by the department to perform one or more duties listed under Section 419.021(a)(3)(B) as fire protection personnel, a part-time fire protection employee, or a volunteer or auxiliary fire fighter, but a department may not designate the same person under more than one category under this section. The designation shall be made on the records of the department and the designation shall be made available for inspection by the commission or sent to the commission on request.

(c) A fire department may not compensate, reimburse, or provide benefits to a person the department has designated as a volunteer or other auxiliary fire fighter to the extent that the person would be considered fully paid under Section 419.021(b).

(d) A person designated as a part-time fire protection employee under this section is subject to Section 419.0321.

SECTION 10. Section 419.034, Government Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) Notwithstanding Subsection (d), a person may apply for and the commission may issue a new certificate without the person's retaking the proficiency examination or repeating the requirements for obtaining an original certificate if the person previously held the certification being sought and:

(1) has continuously held fire protection personnel certification in another discipline;

(2) has been employed in a fire protection personnel position in another jurisdiction without a break in service of one year or longer; or

(3) has been employed full-time, without a break in service of one year or longer, by a nongovernmental entity as a fire protection employee in circumstances under which the person would have been eligible for fire protection personnel certification if the person had been employed by a local government.

(f) At least 30 days before the expiration of a person's certificate, the commission shall send written notice of the impending certificate expiration to the last known fire department or other employing entity employing the regulated person according to the records of the commission.

SECTION 11. Section 419.038, Government Code, is amended to read as follows:

Sec. 419.038. **APPOINTMENT TO AIRCRAFT FIRE FIGHTING [~~CRASH~~] AND RESCUE FIRE PROTECTION PERSONNEL POSITION.** (a) The commission shall adopt requirements for certification of aircraft fire fighting [~~crash~~] and rescue fire protection personnel. A person may not be appointed to an aircraft fire fighting [~~crash~~] and rescue fire protection personnel position, except on a probationary basis, unless the person has completed the training prescribed by the commission.

(b) Aircraft fire fighting [~~crash~~] and rescue fire protection personnel appointed on a probationary basis must complete the prescribed training before two years after the date of appointment.

(c) Aircraft fire fighting [~~crash~~] and rescue fire protection personnel serving under permanent appointment with two or more years' service before September 1, 1984, have satisfied the training requirements.

SECTION 12. The heading to Section 419.071, Government Code, is amended to read as follows:

Sec. 419.071. **VOLUNTARY CERTIFICATION [~~AND REGULATION~~] PROGRAM FOR VOLUNTEER FIRE FIGHTERS AND FIRE DEPARTMENTS.**

SECTION 13. Subsection (a), Section 419.071, Government Code, is amended to read as follows:

(a) The commission shall develop a voluntary certification [~~and regulation~~] program for volunteer fire fighters and volunteer fire departments. Components of the program developed by the commission shall include *voluntary certification [~~and regulation~~] of volunteer fire fighters, voluntary certification [~~and regulation~~] of facilities that train volunteer fire fighters, and voluntary inspection and certification [~~the regulation~~] of protective clothing and self-contained breathing apparatus of volunteer fire departments.* A volunteer fire fighter or other entity that chooses to become certified under a component of the commission's certification program under this subchapter is subject to commission rules that relate to that component.

SECTION 14. Subsection (a), Section 419.072, Government Code, is amended to read as follows:

(a) The commission shall establish a volunteer fire fighter advisory committee to assist the commission in matters relating to volunteer fire fighters and volunteer fire departments. The committee shall be composed of nine members appointed by the commission. Six members must be volunteer fire fighters who collectively represent various areas in the field of fire protection. Three members must be instructors of volunteer fire fighters. Six of the nine members must be appointed from a list submitted *each year before September 1* to the commission by the State Firemen's and Fire Marshals' Association of Texas. A committee member:

- (1) serves at the will of the commission;
- (2) serves for a one-year term that expires February 1; and
- (3) may be reappointed to the committee after the expiration of a term.

SECTION 15. Section 419.074, Government Code, is amended to read as follows:

Sec. 419.074. **RECOGNITION OF CERTAIN PRIOR CERTIFICATIONS.** (a) The commission shall, on application, certify a person under the commission's program under this subchapter if the person received an advanced certificate from the State Firemen's and Fire Marshals' Association of Texas before September 1, 1993.

(b) A volunteer fire fighter who receives an advanced certificate from the State Firemen's and Fire Marshals' Association of Texas after September 1, 1993, shall on application be certified under this subchapter:

- (1) if the commission determines that the standards under which the volunteer fire fighter received the advanced certificate are at least as stringent as the applicable standards in effect for that certificate on January 1, 1993; and
- (2) after the successful completion of an examination administered by the commission for the purpose of certification under this subchapter.

SECTION 16. Section 419.075, Government Code, is amended to read as follows:

Sec. 419.075. BECOMING CERTIFIED UNDER SUBCHAPTER B. A volunteer fire fighter who *is certified by the commission under this subchapter* [~~held an active State Firemen's and Fire Marshals' Association of Texas advanced certification on May 1, 1991, or who has completed the training required for a State Firemen's and Fire Marshals' Association of Texas advanced certification not later than December 31, 1992,~~] is eligible to be certified to be fire protection personnel under Subchapter B *if the person successfully completes* [~~after successful completion of~~] the fire protection personnel examination administered under Subchapter B *on the first or second attempt*. A volunteer fire fighter who *is certified by the commission under this subchapter and* [~~did not hold an active State Firemen's and Fire Marshals' Association of Texas advanced certification on May 1, 1991, or~~] who does not *successfully* complete the *fire protection personnel examination administered under Subchapter B on the first or second attempt* [~~required training for a State Firemen's and Fire Marshals' Association of Texas advanced certification by December 31, 1992,~~] is eligible to be certified to be fire protection personnel under Subchapter B only after completing a commission-approved certification program *under Subchapter B and subsequent* successful completion of the fire protection personnel examination administered under Subchapter B.

SECTION 17. Section 419.083, Government Code, is amended to read as follows:

Sec. 419.083. VOLUNTARY REGULATION OF CERTAIN STATE OFFICIALS, STATE AGENCIES, AND STATE AGENCY EMPLOYEES. (a) *Certain state officials, state agencies, and state agency employees may apply to the commission for regulation under one or more discrete components of the commission's regulatory authority under Subchapter B. The commission shall define the components by rule.*

(b) *A state agency employee who would be fire protection personnel under Section 419.021 if the person were employed by a local government, or who is employed full-time in the field of fire instruction or fire training evaluation and who meets the commission's training and experience requirements for fire protection personnel, may apply to the commission for regulation under this section. The fact that a state agency employee becomes regulated by the commission under this section does not make the employing agency subject to commission regulation under this section, except that the commission may require reports from the agency that relate to the employee. A state agency may pay an employee's fees under this subsection.*

(c) *A person who is elected to public office in state government and who holds a commission certificate at the time the person takes office may maintain the certificate by applying to the commission for regulation under this section and by paying the required renewal fee in accordance with Section 419.034. A person applying for regulation under this section must comply with continuing education requirements applicable to the discipline in which the certificate is held in order to maintain the certificate.*

(d) *A state agency may apply to the commission for regulation under this section if the agency is the employing authority for persons who, if employed by a local government, would be fire protection personnel under Section 419.021.*

(e) [(d)] *The commission shall prescribe the procedures under which a state official, state agency, or agency employee may apply for regulation under this section and the means by which the state official, state agency, or agency employee may present evidence that the official, agency, or employee is eligible for regulation under this section.*

(f) [(e)] *The commission shall determine whether a state official, state agency, or agency employee that has applied for regulation is eligible for regulation under this section. The commission shall approve a request for regulation if the official, agency, or employee meets the requirements of Subsection (b), [(c)], or (d), and the commission shall notify the applying official, agency, or employee of its decision.*

(g) [(f)] *A state official, state agency, or agency employee regulated under this section is subject to the appropriate component or components of Subchapter B and applicable rules adopted under this chapter to the same extent as a local government, a fire department, or fire protection personnel employed by a local government.*

(h) [(g)] A state agency or agency employee that is subject to regulation under this section is entitled to a reasonable period in which to comply with applicable requirements. The commission by rule shall determine the time period in which a state agency or agency employee must come into compliance with each requirement.

SECTION 18. Section 419.084, Government Code, is amended to read as follows:

Sec. 419.084. VOLUNTARY REGULATION OF CERTAIN FEDERAL AGENCIES AND FEDERAL FIRE FIGHTERS [EMPLOYEES]. (a) Certain federal agencies and federal *fire fighters* [employees] may apply to the commission for regulation under one or more discrete components of the commission's regulatory authority under Subchapter B. The commission shall define the components by rule.

(b) A federal *fire fighter* [employee] who would be fire protection personnel under Section 419.021 if the person were employed by a local government may apply to the commission for regulation under this section. The fact that a federal *fire fighter* [employee] becomes regulated by the commission under this section does not make the employing agency subject to commission regulation under this section.

(c) A federal agency may apply to the commission for regulation under this section if the agency is the employing authority for persons who, if employed by a local government, would be fire protection personnel under Section 419.021.

(d) The commission shall prescribe the procedures under which a federal agency or federal *fire fighter* [employee] may apply for regulation under this section and the means by which a federal agency or federal *fire fighter* [employee] may present evidence that the agency or *fire fighter* [employee] is eligible for regulation under this section.

(e) The commission shall determine whether a federal agency or federal *fire fighter* [employee] that has applied for regulation is eligible for regulation under this section. The commission shall approve a request for regulation if the agency or *fire fighter* [employee] meets the requirements of Subsection (b) or (c), and the commission shall notify the applying agency or *fire fighter* [employee] of its decision.

(f) A federal agency or federal *fire fighter* [employee] regulated under this section is subject, to the extent allowed by federal law, to the appropriate component or components of Subchapter B and applicable rules adopted under this chapter to the same extent as a local government, a fire department, or fire protection personnel employed by a local government.

(g) A federal agency or federal *fire fighter* [employee] that is subject to regulation under this section is entitled to a reasonable period in which to comply with applicable requirements. The commission by rule shall determine the time period in which a federal agency or federal *fire fighter* [employee] must come into compliance with each requirement.

(h) *In this section, "federal fire fighter" means a person who is employed to provide fire protection to property of the federal government by:*

- (1) *an agency of the federal government; or*
- (2) *an entity that contracts with the federal government.*

SECTION 19. Subchapter E, Chapter 419, Government Code, is amended by adding Section 419.087 to read as follows:

Sec. 419.087. MANDATORY REGULATION OF CERTAIN NONGOVERNMENTAL ORGANIZATIONS AND PERSONNEL. (a) *In this section, "fire department," "fire protection personnel," and "local government" have the meanings assigned by Section 419.021.*

(b) *An organization that is not a local government, a department of a local government, or a state or federal agency is subject to regulation by the commission under Subchapter B if the organization:*

- (1) *provides fire protection for a local government for profit under a contract or other agreement with the local government; and*
- (2) *would be a fire department if it were a department of a local government.*

(c) *A person who is not an employee of a local government or of a state or federal agency is subject to regulation by the commission under Subchapter B if the person:*

(1) provides fire protection for a local government under a contract or other agreement between the local government and either the person or an organization subject to regulation under Subsection (b); and

(2) would be fire protection personnel if employed by a local government.

(d) A person or organization that is subject to regulation by the commission under this section is subject to Subchapter B and applicable commission rules to the same extent that Subchapter B and applicable commission rules apply to a fire department or to fire protection personnel.

(e) The commission may create a separate certification class for persons regulated under this section.

SECTION 20. Section 419.906, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The commission may enter into a consent order or settlement agreement with any person under the commission's jurisdiction under this chapter or other law. The consent order or settlement agreement may include an agreement between the commission and the person under which the person will make restitution to a third party or pay a monetary penalty to the commission. The consent order or settlement agreement is valid and enforceable without regard to whether the commission is authorized to order restitution or impose the monetary penalty under other law in the absence of the affected person's agreement.

SECTION 21. Section 417.005, Government Code, is amended to read as follows:

Sec. 417.005. **ADOPTION OF RULES.** The commission, after consulting with the state fire marshal, may ~~shall~~ adopt necessary rules to guide the state fire marshal and fire and arson investigators commissioned by the state fire marshal in the investigation of arson, fire, and suspected arson and in the performance of other duties for the commission.

SECTION 22. Section 417.006, Government Code, is amended to read as follows:

Sec. 417.006. **FIRE AND ARSON INVESTIGATORS.** The state fire marshal may commission peace officers to act as fire and arson investigators ~~to act~~ under his supervision and to perform other law enforcement duties assigned to the commission by law. The state fire marshal ~~and~~ may revoke a peace officer's ~~an investigator's~~ commission under this section for just cause.

SECTION 23. Section 417.008, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The commission may adopt by rule any appropriate standard developed by a nationally recognized standards-making association under which the state fire marshal may enforce this section, except that standards adopted by rule under this subsection do not apply in a geographic area under the jurisdiction of a local government that has adopted fire protection ordinances that apply in the geographic area.

SECTION 24. Chapter 417, Government Code, is amended by adding Section 417.010 to read as follows:

Sec. 417.010. **ALTERNATE REMEDIES.** The state fire marshal, in the enforcement of a law that is enforced by or through the state fire marshal, may in lieu of cancelling, revoking, or suspending a license or certificate of registration impose on the holder of the license or certificate of registration an order directing the holder to do one or more of the following:

(1) cease and desist from a specified activity;

(2) remit to the commission within a specified time a monetary forfeiture not to exceed \$10,000 for each violation of an applicable law or rule; and

(3) make restitution to a person harmed by the holder's violation of an applicable law or rule.

SECTION 25. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. **WHO ARE PEACE OFFICERS.** The following are peace officers:

(1) sheriffs and their deputies;

- (2) constables and deputy constables;
- (3) marshals or police officers of an incorporated city, town, or village;
- (4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;
- (5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;
- (6) law enforcement agents of the Texas Alcoholic Beverage Commission;
- (7) each member of an arson investigating unit commissioned by a city, a county, or the state;
- (8) officers commissioned under Subchapter E, Chapter 51, Education Code;
- (9) officers commissioned by the State Purchasing and General Services Commission;
- (10) law enforcement officers commissioned by the Parks and Wildlife Commission;
- (11) airport police officers commissioned by a city with a population of more than one million, according to the most recent federal census, that operates an airport that serves commercial air carriers;
- (12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;
- (13) municipal park and recreational patrolmen and security officers;
- (14) security officers commissioned as peace officers by the State Treasurer;
- (15) officers commissioned by a water control and improvement district under Section 51.132, Water Code;
- (16) officers commissioned by a board of trustees under Chapter 341, Acts of the 57th Legislature, Regular Session, 1961 (Article 1187f, Vernon's Texas Civil Statutes);
- (17) investigators commissioned by the Texas State Board of Medical Examiners;
- (18) officers commissioned by the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, or the Bexar County Hospital District under Section 281.057, Health and Safety Code;
- (19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;
- (20) investigators employed by the Texas Racing Commission;
- (21) officers commissioned by the State Board of Pharmacy;
- (22) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 13, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), or by a regional transportation authority under Section 10, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes);
- (23) officers commissioned by the Texas High-Speed Rail Authority;
- (24) investigators commissioned by the attorney general under Section 402.009, Government Code; *and*
- (25) security officers and investigators commissioned as peace officers under the State Lottery Act; *and*
- (26) *officers commissioned by the state fire marshal under Chapter 417, Government Code.*

SECTION 26. Subsection (e), Section 402.0211, Government Code, is amended to read as follows:

- (e) This section does not apply to:
 - (1) the governor's office;
 - (2) an institution of higher education, as defined by Section 61.003, Education Code;

- (3) an agency expressly authorized by the General Appropriations Act or other statute to hire or select legal counsel;
- (4) an agency governed by one or more elected officials;
- (5) an agency with a director appointed by the governor;
- (6) the Central Education Agency;
- (7) the Department of Public Safety;
- (8) the Employees Retirement System of Texas or the Teacher Retirement System of Texas;
- (9) the Parks and Wildlife Department;
- (10) the State Board of Insurance;
- (11) the *Texas* [~~State Highway and Public~~] Transportation Commission or the *Texas* [~~State~~] Department of [~~Highways and Public~~] Transportation;
- (12) the Texas Department of Criminal Justice;
- (13) the Texas Employment Commission;
- (14) the Texas Higher Education Coordinating Board;
- (15) the Texas Natural Resource Conservation Commission;
- (16) the Texas Workers' Compensation Commission; [or]
- (17) the Texas Youth Commission; or
- (18) *the Texas Commission on Fire Protection.*

SECTION 27. Article 6701m-1, Revised Statutes, is amended to read as follows:

Art. 6701m-1. INSCRIPTION ON STATE VEHICLE. There shall be printed upon each side of every automobile, truck or other motor vehicle owned by the State of Texas the word "Texas," followed in letters of not less than two (2) inches high by the title of the department, bureau, board, commission or official having the custody of such car, and such inscription shall be in a color sufficiently different from the body of the car so that the lettering shall be plainly legible at a distance of not less than one hundred feet (100) feet, and the official having control thereof shall have such wording placed thereon as prescribed herein, and whoever drives any automobile, truck or other motor vehicle belonging to the State upon the streets of any town or city or upon a highway without such inscription printed thereon shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). Provided, however, State-owned vehicles under control and custody of the *Texas Commission on Fire Protection*, State Board of Pharmacy, Texas Department of Mental Health and Mental Retardation, the Department of Public Safety, the Texas Department of Corrections, the Board of Pardons and Paroles, the Parks and Wildlife Department, the Railroad Commission of Texas, the Texas Alcoholic Beverage Commission, the office of the attorney general's Health Services Providers Integrity and Medicaid Fraud Division, The Banking Department of Texas, the Savings and Loan Department of Texas, the Texas Juvenile Probation Commission, the Texas Air Control Board, the Texas Natural Resource Conservation Commission, Agencies and Branches of Government for whom appropriations are made under the article of the General Appropriations Act that appropriates money to the legislature, and the Texas Youth Council may be exempt from the requirements of this Act by rule and regulation of the governing bodies of these State agencies or, in the case of the office of the attorney general, by rules and regulations of the attorney general. Such rules and regulations shall specify the primary use to which vehicles exempt from the requirements of this Act are devoted, the purpose to be served by not printing on them the inscriptions required by this Act and such rules and regulations shall not be effective until filed with the Secretary of State. No use of vehicles exempt from the requirements of this Act shall be made except for the legitimate purposes expressly specified in the rules and regulations. If a use not specified in the rules and regulations is made of the exempt vehicles, the penalties prescribed in this Act apply to that use. Whoever drives a vehicle exempted from the requirements of this Act as authorized by this provision shall not be subject to the penalties prescribed in this Act.

SECTION 28. (a) This Act takes effect September 1, 1993.

(b) The changes in Subsection (a), Section 419.004, and Subsection (a), Section 419.007, Government Code, made by this Act do not affect the entitlement of a member of the Texas Commission on Fire Protection serving on the commission immediately before the effective date of this Act to continue to hold office for the term for which the member was appointed. The change applies only to a member appointed on or after the effective date of this Act.

(c) The changes in law to Section 419.075, Government Code, made by this Act do not affect the validity of a certificate obtained under Section 419.075, Government Code, before the effective date of this Act.

(d) The changes in law to Section 419.028, Government Code, made by this Act do not affect:

(1) the validity of a contract made under Section 419.028, Government Code, before the effective date of this Act; or

(2) any express or implied power granted to the Texas Commission on Fire Protection under law to make contracts that are reasonably necessary for the performance of the commission's duties.

SECTION 29. 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.

Passed the Senate on April 21, 1993, by a viva-voce vote; passed the House on May 25, 1993, by a non-record vote.

Approved June 19, 1993.

Effective Sept. 1, 1993.