

TEXAS COMMISSION ON FIRE PROTECTION

March 14, 2011 at 9:00 a.m.

William B. Travis Bldg., 1701 N. Congress Avenue, Room 1-104, Austin, Texas

- 1. Roll call---9:00 a.m.**
- 2. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 437, Fees, including but not limited to §437.3 (a) Certification Fees, §437.5 (a) (f) (j) (k) (n) Renewal Fees, and §437.7 (b) Standards Manual and Certification Curriculum Manual.**
- 3. Executive session pursuant to Government Code, Section 551.074, for the discussion of personnel matters: the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, and the appointment, employment, reassignment, or duties of personnel acting on an interim basis in this position.**
- 4. Open session for further discussion and possible action regarding preceding agenda item.**
- 5. Adjourn meeting.**

The Texas Commission on Fire Protection may go into executive session on any agenda item if authorized by the Open Meetings Act, Texas Government Code Chapter 551.

1. Roll call--9:00 a.m.

2. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 437, Fees, including but not limited to §437.3 (a) Certification Fees, §437.5 (a) (f) (j) (k) (n) Renewal Fees, and §437.7 (b) Standards Manual and Certification Curriculum Manual.

Chapter 437 Fees

§437.3. Certification Fees.

- (a) A ~~\$85~~ ~~[\$35.00]~~ non-refundable application fee is required for each certificate issued by the Commission. If a certificate is issued within the time provided in §401.125 of this title (relating to Processing Periods), the fee will be applied to the certification. If the certificate is denied, the applicant must pay a new certification application fee to file a new application.
- (b) The regulated employing entity shall be responsible for all certification fees required as a condition of appointment.
- (c) Nothing in this section shall prohibit an individual from paying a certification fee for any certificate which he or she is qualified to hold, providing the certificate is not required as a condition of appointment (see subsection (b) of this section concerning certification fees).
- (d) Any person who holds a certificate, and is no longer employed by an entity that is regulated by the Commission may submit in writing, a request, together with the required fee to receive a one-time certificate stating the level of certification in each discipline held by the person on the date that person left employment pursuant to the Texas Government Code, §419.033(b).

Multiple certifications may be listed on the one-time certificate. The one-time fee for the one-time certificate shall be the same as the current certification fee provided in subsection (a) of this section.

- (e) A facility that provides basic level training for any discipline for which the Commission has established a Basic Curriculum must be certified by the Commission. The training facility will be charged a separate certification fee for each discipline.

§437.5. Renewal Fees.

- (a) A ~~\$85~~ ~~[\$35]~~ non-refundable annual renewal fee shall be assessed for each certified individual and certified training facility. If an individual or certified training facility holds more than one certificate, the Commission may collect only one ~~\$85~~ ~~[\$35]~~ renewal fee, which will renew all certificates held by the individual or certified training facility.
- (b) A regulated employing entity shall pay the renewal fee for all certificates which a person must possess as a condition of employment.
- (c) If a person re-enters the fire service whose certificate(s) has been expired for less than one year, the regulated entity must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fees, the certificates previously held by the individual, for which he or she continues to qualify, will be renewed.
- (d) If a person reapplies for a certificate(s) which has been expired less than one year and the individual is not employed by a regulated employing entity as defined in subsection (b) of this section, the individual must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fee(s), the certificate(s) previously held by the individual, for whom he or she continues to qualify, will be renewed.
- (e) Nothing in this section shall prohibit an individual from paying a renewal fee for any certificate which he or she is qualified to hold providing the certificate is not required as a condition of employment.
- (f) Certification renewal information ~~[statements]~~ will be sent ~~[mailed]~~ to all regulated employing entities and individuals holding certification at least 60 days prior to October 31 of each calendar year. Certification renewal information ~~[statements]~~ will be sent ~~[mailed]~~ to certified training facilities at least 60 days prior to February 1 of each calendar year.
- (g) All certification renewal fees must be returned with the renewal statement to the Commission.
- (h) All certification renewal fees must be paid on or before the renewal date posted on the certification renewal statement to avoid additional fee(s).

- (i) The certification period shall be a period not to exceed one year. The certification period for employees of regulated employing entities, and individuals holding certification is November 1 to October 31. The certification period of certified training facilities is February 1 to January 31.
- (j) All certification renewal fees received from one to 30 days after the renewal date posted on the renewal notice will cause the individual or entity responsible for payment to be assessed a non-refundable ~~\$42.50~~ ~~[\$17.50]~~ late fee in addition to the renewal fee for each individual for which a renewal fee was due.
- (k) All certification renewal fees received more than 30 days after the renewal date posted on the renewal notice will cause the individual or entity responsible for payment to be assessed a non-refundable ~~\$85~~ ~~[\$35.00]~~ late fee in addition to the renewal fee for each individual for which a renewal fee was due.
- (l) In addition to any non-refundable late fee(s) assessed for certification renewal, the Commission may hold an informal conference to determine if any further action(s) is to be taken.
- (m) An individual or entity may petition the Commission for a waiver of the late fees required by this section if the person's certificate expired because of the individual or regulated employing entity's good faith clerical error, or expired as a result of termination of the person's employment where the person has been restored to employment through a disciplinary procedure or a court action. All required renewal fees including applicable late fees and all required continuing education must be submitted before the waiver request may be considered.
 - (1) Applicants claiming good faith clerical error must submit a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with Commission renewal requirements and that failure to comply was due to circumstances beyond the control of the applicant.
 - (2) Applicants claiming restoration to employment as a result of a disciplinary or court action must submit a certified copy of the order restoring the applicant to employment.
- (n) An individual, upon returning from activation to military service, whose certification has expired, must notify the Commission in writing. The individual will have any normally associated late fees waived and will be required to pay a ~~\$85~~ ~~[\$35.00]~~ renewal fee.

§437.13. Processing Fees for Test Application.

- (a) A non-refundable application processing fee of ~~\$85~~ ~~[\$35.00]~~ shall be charged for each examination.
- (b) Fees will be paid in advance with the application or the provider of training may be invoiced or billed if previous arrangements have been made with the Commission.

LBB original
recommendation

Texas Commission on Fire Protection 2012-13 Budget Summary – HB1

Summary:

- 1) TCFP is administratively attached to the Texas Department of Insurance through Rider 4, HB1, 82R.
- 2) Funding for the Fire Safety Information & Educational Program is eliminated.
- 3) Strategy B.1.1 is reduced by 7.7%, eliminating two FTEs provided for by funding from raising fees in 2010-11 (Rider 6, GAA 81R).

Funding by Strategy								
Funding Category	2010-11 Base	2011 Base FTEs	2012-13 Introduced	2013 Base FTEs	\$ Change	% Change	Associated FTE Cap Reduction	Methodology
Fire Safety Information & Educational Program A.1.1	\$129,010	1	\$0	0	(\$129,010)	100.0%	-1	All funding for this strategy is eliminated.
Certify and Regulate Fire Department Standards B.1.1	\$2,776,414	24.8	\$2,563,702	22	(\$212,712)	7.7%	-2.8	Strategy is reduced by \$212,712 by eliminating two of the FTEs provided for by funding from raising fees in 2010-2011.
Indirect Administration C.1.1	\$1,610,157	12.5	\$209,400	1	(\$1,400,757)	87.0%	-11.5	Strategy is reduced by \$1,400,757 by administratively attaching the agency to the Texas Department of Insurance (Rider 4, HB1, 82R).
Total, All Strategies	\$4,515,581	38.3	\$ 2,773,102	23	(\$1,742,479)	38.6%	-15.3	

Rider 4: HB1, 82R: Interagency Agreement. The Texas Commission on Fire Protection shall rely on the Texas Department of Insurance for all administrative support services previously performed under Indirect Administration of the Texas Commission on Fire Protection (other than that of the Executive Director), including human resources, budgeting, accounting, purchasing, property management, benefits, information technology, and other staff services functions as necessary at the same level of service previously provided by the Texas Commission on Fire Protection.

COMMISSION ON FIRE PROTECTION

	<u>Expended 2009</u>	<u>Estimated 2010</u>	<u>Budgeted 2011</u>	<u>Requested 2012</u>	<u>2013</u>	<u>Recommended 2012</u>	<u>2013</u>
Method of Financing:							
General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees	\$ 1,935,023	\$ 2,296,168	\$ 2,129,413	\$ 2,769,961	\$ 2,756,960	\$ 1,336,551	\$ 1,336,551
GR Dedicated - Specialty License Plates General	0	0	0	0	0	5,000	5,000
Appropriated Receipts	<u>68,332</u>	<u>55,000</u>	<u>35,000</u>	<u>45,000</u>	<u>45,000</u>	<u>45,000</u>	<u>45,000</u>
Total, Method of Financing	<u>\$ 2,003,355</u>	<u>\$ 2,351,168</u>	<u>\$ 2,164,413</u>	<u>\$ 2,814,961</u>	<u>\$ 2,801,960</u>	<u>\$ 1,386,551</u>	<u>\$ 1,386,551</u>
This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.							
Number of Full-Time-Equivalents (FTE):	30.8	37.4	37.0	46.0	46.0	23.0	23.0
Schedule of Exempt Positions:							
Executive Director, Group 3	\$90,000	\$92,600	\$92,600	\$92,600	\$92,600	\$92,600	\$92,600
Items of Appropriation:							
A. Goal: EDUCATION & ASSISTANCE							
Provide Fire-related Information and Resources.							
A.1.1. Strategy: FIRE SAFETY INFO & EDUC PROGRAMS	\$ 66,730	\$ 72,532	\$ 56,478	\$ 80,778	\$ 80,778	\$ 0	\$ 0
Fire Safety Information & Educational Programs.							
B. Goal: FIRE DEPARTMENT STANDARDS							
Enforce Fire Department Standards.							
B.1.1. Strategy: CERTIFY & REGULATE FIRE SERVICE	\$ 1,237,158	\$ 1,442,583	\$ 1,333,831	\$ 1,636,854	\$ 1,636,854	\$ 1,281,851	\$ 1,281,851
Certify and Regulate Fire Departments and Personnel.							
C. Goal: INDIRECT ADMINISTRATION							
C.1.1. Strategy: INDIRECT ADMINISTRATION	\$ 699,467	\$ 836,053	\$ 774,104	\$ 1,097,329	\$ 1,084,328	\$ 104,700	\$ 104,700
Grand Total, COMMISSION ON FIRE PROTECTION	<u>\$ 2,003,355</u>	<u>\$ 2,351,168</u>	<u>\$ 2,164,413</u>	<u>\$ 2,814,961</u>	<u>\$ 2,801,960</u>	<u>\$ 1,386,551</u>	<u>\$ 1,386,551</u>

COMMISSION ON FIRE PROTECTION
(Continued)

	<u>Expended</u> <u>2009</u>	<u>Estimated</u> <u>2010</u>	<u>Budgeted</u> <u>2011</u>	<u>Requested</u>		<u>Recommended</u>	
				<u>2012</u>	<u>2013</u>	<u>2012</u>	<u>2013</u>
Object-of-Expense Informational Listing:							
Salaries and Wages	\$ 1,660,358	\$ 2,031,558	\$ 1,884,096	\$ 2,295,287	\$ 2,295,286	\$ 1,189,997	\$ 1,189,997
Other Personnel Costs	35,860	53,676	59,317	72,495	72,495	40,721	40,721
Professional Fees and Services	27,440	11,454	4,000	11,500	11,500	833	833
Consumable Supplies	24,780	17,423	17,100	28,000	28,000	13,833	13,833
Utilities	24,193	28,063	29,300	35,300	35,300	12,417	12,417
Travel	84,754	82,178	68,000	177,279	177,279	41,083	41,083
Rent - Building	3,632	4,103	4,200	4,400	4,400	3,000	3,000
Rent - Machine and Other	19,821	30,278	29,400	29,700	29,700	17,000	17,000
Other Operating Expense	122,467	77,167	69,000	141,000	128,000	67,667	67,667
Capital Expenditures	<u>50</u>	<u>15,268</u>	<u>0</u>	<u>20,000</u>	<u>20,000</u>	<u>0</u>	<u>0</u>
Total, Object-of-Expense Informational Listing	<u>\$ 2,003,355</u>	<u>\$ 2,351,168</u>	<u>\$ 2,164,413</u>	<u>\$ 2,814,961</u>	<u>\$ 2,801,960</u>	<u>\$ 1,386,551</u>	<u>\$ 1,386,551</u>
Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:							
<u>Employee Benefits</u>							
Retirement	\$ 112,041	\$ 123,716	\$ 127,389	\$	\$	\$ 110,526	\$ 111,079
Group Insurance	350,110	383,206	418,582			414,444	424,383
Social Security	142,873	145,206	145,932			146,662	147,395
Benefits Replacement	<u>9,224</u>	<u>8,486</u>	<u>8,062</u>			<u>7,538</u>	<u>7,048</u>
Subtotal, Employee Benefits	<u>\$ 614,248</u>	<u>\$ 660,614</u>	<u>\$ 699,965</u>	<u>\$</u>	<u>\$</u>	<u>\$ 679,170</u>	<u>\$ 689,905</u>
<u>Debt Service</u>							
Lease Payments	<u>\$ 5,214</u>	<u>\$ 9,207</u>	<u>\$ 6,001</u>	<u>\$</u>	<u>\$</u>	<u>\$ 23,688</u>	<u>\$ 20,678</u>
Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act	<u>\$ 619,462</u>	<u>\$ 669,821</u>	<u>\$ 705,966</u>	<u>\$</u>	<u>\$</u>	<u>\$ 702,858</u>	<u>\$ 710,583</u>
Performance Measure Targets							
B. Goal: FIRE DEPARTMENT STANDARDS							
Outcome (Results/Impact):							

COMMISSION ON FIRE PROTECTION
(Continued)

	<u>Expended</u>	<u>Estimated</u>	<u>Budgeted</u>	<u>Requested</u>		<u>Recommended</u>	
	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2012</u>	<u>2013</u>
Percentage of Inspected Fire Certificate Holders with No Recent Violations	94.2%	93.9%	95%	95%	95%	95%	95%
B.1.1. Strategy: CERTIFY & REGULATE FIRE SERVICE							
Explanatory:							
Number of Fire Service Personnel Certified	28,550	29,346	28,941	29,800	30,700	29,800	30,700

SMALLER & MORE EFFICIENT GOVERNMENT & ADDITIONAL REVENUE CONSIDERATIONS

Just like families across this state, Texas government must live within its means. We must be responsible and prioritize funding for programs based on available revenue. We must also identify opportunities to consolidate state agencies, suspend certain non-critical agencies for two years and reconsider them next biennium or abolish them altogether. In addition to the reductions proposed by the House and Senate, the list below identifies opportunities for savings and revenue.

Additional Savings & Sources of Revenue

Suspend Texas Historical Commission	\$ 4,600,000
Suspend Commission on the Arts	5,086,544
Suspend Board of Professional Geoscientists	1,168,663
Suspend Board of Professional Land Surveying	880,586
Consolidate the Texas Facilities Commission	4,200,000
Consolidate the Department of Assistive & Rehabilitative Services	8,400,000
Consolidate Public Safety Licensing Agencies	2,100,000
Consolidate the Texas Department of Housing & Community Affairs	12,200,000
Consolidate the Texas Department of Rural Affairs	6,400,000
Consolidate Health Regulatory Agencies	7,000,000
Consolidate the Office of Public Utility Counsel	1,500,000
Consolidate Certain Regulatory Agencies into the Texas Department of Licensing & Regulation	2,900,000
Institute a 10% Surcharge for Spouses of State Employees Eligible for Health Insurance Elsewhere	11,000,000
University of Texas Medical Branch Correctional Managed Care Savings	30,000,000
Sale of the Sugar Land Central Unit Prison	30,000,000
State Outstanding Debt Collections	141,100,000
General Land Office Land Sales	200,000,000
Total Additional Savings & Sources of Revenue	\$ 468,535,793

Additional Savings & Sources of Revenue

- Suspend the appropriation to the Texas Historical Commission for the 2012-13 biennium, saving \$4.6 million in addition to the reductions proposed by the Legislature.
- Suspend the appropriation to the Commission on the Arts for the 2012-13 biennium, saving \$5.1 million in addition to the reductions proposed by the Legislature.
- Suspend the Board of Professional Geoscientists, saving \$1.2 million in addition to the reductions proposed by the Legislature.
- Suspend the Board of Professional Land Surveying, saving \$881 thousand in addition to the reductions proposed by the Legislature.
- Consolidate the functions of the Texas Facilities Commission into the General Land Office and other agencies as appropriate, saving \$4.2 million in addition to the reductions proposed by the Legislature.

- Consolidate programs administered by the Department of Assistive and Rehabilitative Services into the Department of State Health Services and the Department of Aging and Disability Services, saving \$8.4 million in administrative costs in addition to the reductions proposed by the Legislature.
- ✱● Consolidate the Commission on Jail Standards, the Texas Commission on Law Enforcement Officer Standards and Education, and the Commission on Fire Protection into a new Article V Licensing Agency Commission. This would save \$2.1 million in addition to the reductions proposed by the Legislature.
- Consolidate the Texas Department of Housing and Community Affairs and its functions to the Texas State Affordable Housing Corporation, Public Utility Commission, and Texas Department of Licensing and Regulation. Additionally, the state should transfer \$4 million for veterans housing programs under the Veteran's Land Board. This would save \$12.2 million in general revenue in addition to the reductions proposed by the Legislature.
- Consolidate the Texas Department of Rural Affairs into the Texas Department of Agriculture, which would ensure a more efficient agency and would save \$6.4 million in addition to the reductions proposed by the Legislature.
- Consolidate the Texas Medical Board, the Texas Board of Nursing, the Texas Board of Dental Examiners, the Texas Optometry Board, the Texas Board of Examiners of Psychologists, the Texas Board of Chiropractic Examiners, the Texas Board of Pharmacy, the Executive Council of Physical Therapy and Occupational Therapy Examiners and the Texas Board of Podiatric Medical Examiners into one new agency, the Health Professions Agency. The state could also eliminate the Health Professions Council, as the functions would no longer be needed. This would save \$7 million in addition to the reductions proposed by the Legislature.
- Consolidate the Office of Public Utility Counsel into the Public Utility Commission (PUC). The PUC would be required to include a residential and small commercial customer impact assessment and issue a specific finding to address the impact of rate changes on these customer classes in all rate cases. This consolidation would save \$1.5 million in addition to the reductions proposed by the Legislature.
- Consolidate the Texas Board of Veterinary Medical Examiners, the Texas Funeral Service Commission and the Texas Board of Plumbing Examiners and move their functions to the Texas Department of Licensing and Regulation. This would save \$2.9 million in addition to the reductions proposed by the Legislature.
- Currently the state pays for 50 percent of health insurance costs for the spouse of every active employee. This proposal introduces a 10 percent spousal surcharge to be charged if the active employee chooses to use ERS insurance to cover a spouse who is eligible for insurance elsewhere. This would save more than \$11 million in general revenue in addition to the reductions proposed by the Legislature.
- Due to the recent audit report findings by the State Auditor's Office, and the subsequent letter sent by the University of Texas Medical Branch requesting to end the contract for Correctional Managed Care, the Governor's budget recommends canceling necessary contracts early to explore private sector delivery options, or instructing the state-supported institution to provide correctional care according to the constitutional minimum level, saving the state \$30 million.
- HB 1 directed the closure of the Texas Department of Criminal Justice Central Unit in Sugar Land. The sale of this property should bring the state an additional \$30 million in revenue.
- According to the Legislative Budget Board, the state is owed non-tax debt of more than \$850 million. More than 90 percent of those debts are owed to state agencies that have already entered into contracts with third-party debt collectors and thus outsourced their debt collection efforts to private collectors. The Legislature should review current law and processes to ensure state agencies, and those collecting debt on their behalf, have the tools they need to maximize collection efforts. If the state increased collection rates by only 16 percent, this would generate an additional \$141 million.
- The School Land Board continually monitors properties that would be a good investment for the Permanent School Fund. In doing so, they estimate there are at least \$200 million worth of properties held by the state that meet investment criteria for purchase if lawmakers approve the sale of these properties. This would provide \$200 million in additional revenue.

February 22, 2011

The Honorable John Otto, Chairman
House Appropriations Subcommittee on Articles I, IV & V
Texas House of Representatives
P. O. Box 2910
Austin, TX 78768-2910

Dear Chairman Otto:

On behalf of the Presiding Officer of the Texas Commission on Fire Protection, Chris Connealy, I would like to take this opportunity to thank you for allowing the agency to provide testimony last Wednesday, February 16, 2011 regarding the agency's budget for FY12-13. As a part of this testimony, Presiding Officer Connealy made two proposals for alternative funding for the committee to consider.

The Presiding Officer's first proposal is to allow the commission to investigate becoming a self-funded agency with 31 FTEs. The agency currently estimates that it will collect approximately \$3.2 million in fees during the FY12-13 biennium at the current fee rate. It is estimated that the agency would need to generate an additional \$4 million to fund agency operations thus a total of \$7.2 million for the biennium to become self-funded. It is estimated that a fee increase of \$50 will be necessary to facilitate this proposal.

If you cannot support the first proposal then please consider the Presiding Officer's second proposal in allowing the commission to increase fees to fund the requested return of 8 FTEs identified in the submitted priority list bringing the agency FTE total to 31. It is estimated that an increase of \$15 per fee collected by the agency will generate approximately \$1.4 million for the FY12-13 biennium. Further, it is estimated that the 8 FTEs will cost approximately \$1.12 million over the biennium.

At this time, the Presiding Officer has directed the executive director to include an agenda item for its April commission meeting regarding a fee increase as necessary to fund the 8 FTEs. A statute modification may be necessary to facilitate a fee increase.

Sincerely,



Gary L. Warren, Sr.
Executive Director



Chris Connealy
Presiding Officer

Activity	2008	2009	Fee	Total	Revenue Biennium
New Certifications	12,468	11,171	\$20	23,639	\$472,780
Renewals	26,293	27,321	\$25	53,614	\$1,340,350
Facilities renewed	204	211	\$25	415	\$10,375
Tests	10,770	11,284	\$15	22,054	\$330,810
				Total	<u>\$2,154,315</u>

Activity	2010	2011		Total	Revenue Estimate
New Certifications	8,869	9,000	\$35	17,869	\$625,415
Renewals	28,347	26,500	\$35	54,847	\$1,919,645
Facilities renewed	231	197	\$35	428	\$14,980
Tests	9,775	10,000	\$35	19,775	\$692,125
				Total	<u>\$3,252,165</u>

2011 are Estimated numbers from LAR

Projected Activity submitted on LAR	2011	Increase	Estimated additional revenue
New Certificates	9,000	\$ 15.00	\$135,000.00
Renewals	26,500	\$ 15.00	\$397,500.00
Facilities Renewed	197	\$ 15.00	\$ 2,955.00
Tests	10,000	\$ 15.00	\$150,000.00
			Total
			<u>\$685,455.00</u>

Activity	2012	2013	Fee	Total	Revenue
LAR projections					Biennium
New Certifications	8,750	9,010	\$35	17,760	\$621,600
Renewals	28,840	29,700	\$35	58,540	\$2,048,900
Facilities renewed	185	185	\$35	370	\$12,950
Tests	8,442	8,699	\$35	17,141	\$599,935
	Present fees			Total	<u>\$3,283,385</u>

Activity	2012	2013	Increase	Total	Increase
LAR projections					Estimate
New Certifications	8,750	9,010	\$15	17,760	\$266,400
Renewals	28,840	29,700	\$15	58,540	\$878,100
Facilities renewed	185	185	\$15	370	\$5,550
Tests	8,442	8,699	\$15	17,141	\$257,115
	Increase			Total	<u>\$1,407,165</u>

Activity	2012	2013	Fee	Total	Revenue
LAR projections					Biennium
New Certifications	8,750	9,010	\$35	17,760	\$621,600
Renewals	28,840	29,700	\$35	58,540	\$2,048,900
Facilities renewed	185	185	\$35	370	\$12,950
Tests	8,442	8,699	\$35	17,141	\$599,935
Present fees				Total	<u>\$3,283,385</u>

Table below reflects additional funds collected with \$15 fee increase

Activity	2012	2013	Increase	Total	Increase Estimate
LAR projections					
New Certifications	8,750	9,010	\$15	17,760	\$266,400
Renewals	28,840	29,700	\$15	58,540	\$878,100
Facilities renewed	185	185	\$15	370	\$5,550
Tests	8,442	8,699	\$15	17,141	\$257,115
Increase				Total	<u>\$1,407,165</u>

Projected amount needed to cover agency's Prioritized List Request

	Annual Total	Biennium Total
8 FTEs	\$560,000.00	\$1,120,000.00

Projected amount needed to self-fund	Annual Total	Biennium Total
Current projected fees collected	\$1,600,000.00	\$3,200,000.00
Projected agency operating expenses	\$2,000,000.00	\$4,000,000.00
Totals	3,600,000.00	7,200,000.00

*The \$1.6 million is required annually to replace a loss of general revenue funds resulting from self-funding. Then an additional \$2 million must be generated annually to fund agency.

**Bottom line annual & biennium amounts reflected above would need to be collected for the agency to become entirely self-funded.

Table below reflects increase fee amount needed to become self-funded

Activity	2012	2013	Increase	Total	Increase Estimate
LAR projections					
New Certifications	8,750	9,010	\$85	17,760	\$1,509,600
Renewals	28,840	29,700	\$85	58,540	\$4,975,900
Facilities renewed	185	185	\$85	370	\$31,450
Tests	8,442	8,699	\$85	17,141	\$1,456,985
	Increase			Total	<u>\$7,973,935</u>

A fee increase to \$85 considers a minor deviation in the total number of certifications. These figures are estimates and as such could be affected by minor deviations in the numbers projected above for which fees are collected.

CURRICULUM APPROVALS (calendar year)

2001	338	
2002	376	11% increase over previous yr
2003	474	26% increase over previous yr
2004	613	29% increase over previous yr
2005	714	17% increase over previous yr
2006	715	No increase
2007	936	31% increase over previous yr
2008	1,040	11% increase over previous yr
2009	1,201	15.5% increase over previous yr
2010	844	30% decrease over previous year

The curriculum approval for 2010 was changed to Limit submission to 20 to 30 days before class Started to manage work load.

INSPECTIONS (FY)

2001	537	
2002	637	
2003	608	
2004	666	plus 57 investigations = 723
2005	689	plus 40 investigations = 729
2006	679	plus 73 investigations = 752
2007	649	plus 61 investigations = 710
2008	455	plus 39 investigations = 494
2009	685	plus 36 investigations = 721
2010	805	plus 37 investigations = 842

The inspection/investigation work load has increased 132% From FY01 through FY07 in addition to administering 68% of the total certification test during FY05, FY07 and FY08 Some FY08 inspections moved to FY09 and some FY09 because of budget constraints.

NEW CERTIFICATIONS ISSUED (FY)

2001	4,538	
2002	4,660	3% increase over previous yr
2003	5,299	14% increase over previous yr
2004	6,176	17% increase over previous yr
2005	7,941	21% increase over previous yr
2006	7,917	static
2007	8,199	3.5 % increase over previous yr
2008	12,467	52% increase over previous yr
2009	11,171	-11%
2010	8,869	-21%

The number of new certification issued annually has increased 195% from FY01 through FY10

TEST ADMINISTERED (FY)

2000	4,900	
2001	5,491	12% increase over previous yr
2002	5,588	2% over previous yr
2003	7,254	26% over previous yr
2004	7,564	4% over previous yr
2005	9,098	20% over previous yr
2006	8,344	- 8%
2007	9,357	12% increase
2008	10,767	15% increase - 13,679 46%increase
2009	11,284	4.8% increase
2010	9,775	14% decrease (no skills testing)

the test administration workload has increased 200% from FY00 through FY10

CERTIFIED PERSONNEL (FY)

2001	18,378	
2002	20,290	10% increase over previous yr
2003	22,301	10% increase over previous yr
2004	23,799	7% increase over previous yr
2005	24,471	3% increase over previous yr
2006	25,895	6% increase over previous yr
2007	26,731	3% increase over previous yr
2008	27,612	3% increase over previous yr
2009	27,348	1% decrease
2010	28,347	3.6 % increase

the number of certified personnel increased 160% from FY01 through FY10 and these personnel are renewed annually

IFSAC SEALS ISSUED (FY)

2001	638	
2002	1,557	144% increase over previous yr
2003	2,765	77% increase over previous yr
2004	4,538	64% increase over previous yr
2005	6,594	45% increase over previous yr
2006	7,799	18% increase over previous yr
2007	8,454	8% increase over previous yr
2008	6,403	24% decrease over previous yr
2009	6,309	1 ½ % decrease
2010	6,041	4% decrease

the number of IFSAC seals issued has increased 947% from FY01 through FY10

1. *Response to the House Recommendations.*

The Texas Commission on Fire Protection appreciates that the House has recognized the importance of the agency's mission with its impact on firefighter safety and that the recommendation keeps most of the agency's core functions intact. The agency is aware of the monumental task legislators are confronted with as they initiate the process of identifying which of the state's core functions will receive the limited funds available to support these functions. To assist in this effort, the commission has revisited its FY12/13 Legislative Appropriations Request. Using the Legislative Budget Board's FY12/13 recommendations for funding as a guide, the agency drafted a revised "proposal for TCFP funding," which identifies ways to reduce the agency's need for human and financial resources. This information is presented further in item three below (see "List of prioritized items to be returned to the FY12-13 introduced budget.") The list requests the return of four FTEs to handle support service functions. It is the agency's belief that, while challenging, the commitment of four FTEs in this area will allow the agency to continue to manage critical business and financial functions in-house. Furthermore, providing the agency with three information technology (IT) FTEs committed to continue the construction and development of the agency's database, will provide the necessary resources to finalize the automation of functions associated with online firefighter accident and injury reporting, online complaint processing, online continuing education and online firefighter certification testing. Additionally, the agency has entered into conversations with Texas Online for management of its online payments initiative, which will greatly enhance the agency's efficiency in providing its services.

2. *Overall effect of cuts on the agency (FY10-11 plus FY12-13).*

During the last legislative session, agency commissioners agreed to raise certification, renewal and testing fees in order to secure additional staff for the agency, which the legislature approved by raising the agency's FTE cap from 33 to 40. The Texas fire service agreed to the increases so the agency could continue providing the current level of services, i.e. evaluating, implementing and enforcing statewide rules to improve fire fighter training and safety. The targeted dollar amount (5 percent) identified by the Legislative Budget Board for the Texas Commission on Fire Protection to return to the Comptroller was \$243,255. To realize these savings, the agency implemented a number of cost saving initiatives. The agency held vacancies open; implemented several travel initiatives to reduce its travel budget (i.e. hotel reimbursement was reduced to \$65/night, travel mileage reimbursement was reduced to \$.30 per mile, meal reimbursement was reduced to \$30 per day, and all non-overnight travel meal reimbursements were eliminated); cancellation of the agency's Employee Assistance Program (EAP) which provides employees with a wide range of counseling services and advise on numerous issues; suspension of all library purchases; compliance officer inspections and agency testing requests were carefully coordinated in order to minimize overall travel costs; and the agency's "other operating costs" were significantly reduced, requiring the agency to reduce planned purchases and delay others to assist in reaching the identified amount.

The overall effect of the FY10-11 budget reductions limited this agency's ability to accomplish its legislative mandates. Chapter 419 of the Government Code requires the agency to conduct biennial inspections of the state's regulated entities. One of the agency's main functions, ensuring fire protection personnel safety, is compromised when these safety inspections are not conducted. The agency has experienced and trained staff that physically inspects fire protection personnel protective equipment during compliance inspections. Reducing this function puts Texas fire protection personnel at a greater risk of injury or death due to unsafe protective equipment. The agency's statute also requires the agency to track, investigate and categorize sources of complaints to quickly resolve complaints before they become problems. Reductions in travel severely limit the agency's ability to address and resolve these issues. The agency is also mandated to gather and evaluate data on fire protection personnel injuries and develop recommendations to report injuries annually and make recommendations to address them. The agency's accrediting entity, the International Fire Service Accreditation Congress (IFSAC), requires the agency to conduct random audits of firefighter training and skill evaluations to ensure evaluations are conducted according to established policies. Additionally, travel restrictions further impact the agency's ability to assist the State Fire Marshal's Office in conducting its line-of-duty death investigations as required by statute.

The additional 2.5 percent request for FY11 represented a total dollar figure of \$60,509. Given the prior (5 percent) reductions, the agency had only salary savings from existing vacancies, and had to further reduce its other operating costs to meet this request. The agency's remaining accounts had already been minimized.

The recommendations of the Legislative Budget Board for FY12-13 if implemented will in effect reduce the agency's budget by approximately 40 percent. This reduction would affect the agency's ability to serve both its internal and external customers at the same level of service that it is currently providing. The reduction in fiscal and human resources (FTEs) would make it impossible for the agency to manage its business functions in-house. Further, eliminating the agency's information technology resources would severely impact the agency's continued

development and implementation of processes currently under development, including the firefighter accident and injury reporting module; online complaint processing; and online testing for firefighters, as well as the management of the agency's online payment initiative with Texas Online. The 50 percent reduction in travel will affect the number of inspections and examinations conducted, as well as travel reimbursements for the governing board. The recommendation of zero funding of the agency's Ernest A. Emerson Resource Library will impact fire departments that have no funding for training aids and materials, thus eliminating a valuable resource currently available to the Texas fire service, and affecting the safety of the state's firefighters.

3. Assuming your reduction remains the same, suggestions for any re-allocation of cuts.

LIST OF PRIORITIZED ITEMS TO BE RETURNED TO THE FY2012-13 INTRODUCED BUDGET

1. Indirect Administration. Restoration of funding and FTEs to remain within the agency in order to maintain sufficient levels of service internally, externally and to the state of Texas fire service.
 - a. FY12-\$270,000/4 FTEs
 - b. FY13-\$270,000/4 FTEs

One FTE which is a critical position necessary to perform high level professional administrative support to the executive director, management team and 13-member governing board serving as an executive team member to identify solutions to operating issues of the agency. Manage executive communications for internal and external customers. Research and document information involving issues and projects of the executive director; provide follow-up on assignments given management staff by the executive director and 13-member governing board. Research, analyze, prepare and submit reports (i.e. fiscal notes, strategic plan, legislative appropriations request) for the executive director, governing board, legislature, other state agencies and general public. This position will also draft, review and edit text for agency rule submissions and post agendas and open meeting notifications with the Texas Register.

Two FTEs necessary to provide staff services support for agency personnel. One FTE to perform advanced (senior-level) staff services functions including planning, directing and coordinating human resource management, organizational development, training, risk management and benefits and payroll. Interpret and ensure agency compliance with applicable federal, state, and local regulations. Administer agency payroll (regular/supplemental, track file transfer protocol daily reports, quarterly payroll tax and annual payroll reports). Administer agency leave accounting functions, employment processes and benefits. Oversee agency purchasing functions. One FTE to perform complex budget and accounting functions including preparing and overseeing financial statements, accounting transactions, records, documents and reports. Prepare annual financial report (AFR), audit and process travel vouchers, maintain cash control records and process revenue for deposit into the State Treasury. Report the status of agency budget and expenditures to the executive management team. Purchase agency supplies and equipment maintaining records and tracking quarterly encumbrances and payable reports, fixed asset reports, property inventory and management reports.

One FTE to prepare and disseminate information regarding agency functions to the public, media, legislature, regulated entities and other state agencies. Maintain agency website ensuring compliance with sunset recommendations to use appropriate technological solutions to improve the commission's ability to perform its functions and ensure that the public is able to interact with the commission on the Internet. Maintain web portal for Texas firefighters who are regulated by the agency (i.e. firefighter certification, training, continuing education units and firefighter accident and injury statistics). Ensure compliance with the State of Texas Electronic Information Resources Accessibility Standards. Serve as agency information resource manager (IRM). Develop and administer the security and integrity of agency internet services. Post current rules on agency website by which the Texas fire service complies with state statute.

2. Indirect Administration. Restoration of funding and FTEs to maintain agency critical data management systems and functions.
 - a. FY12-\$182,500/3 FTEs
 - b. FY13-\$182,500/3 FTEs

Restoration of these FTEs would facilitate the agency's ability to continue the construction and development of its main database in-house. The agency's current IT staff began to rebuild the existing data management systems as a web-based system with outward-facing applications which directly impact the agency's regulated entities, individuals and departments. This new system allows the Texas firefighters, with access via a PIN number to submit electronically departmental information regarding certifications, training and continuing educational units required for certification renewals. This information in-turn is stored on the agency's servers, which is updated and maintained by the customer (regulated entity) and becomes the basis for determining and verifying fees which are predicated on the

certifications held by individual firefighters which are renewed and payable annually. Much of the time of the current IT personnel is spent keeping the agency's legacy systems functioning while developing and implementing programs to meet new mandates like the sunset review process recommendations including statewide on-line firefighter accident and injury reporting, on-line complaint processing, on-line continuing education (CE) tracking and supporting initiations to incorporate on-line testing of firefighters. The agency's new on-line system labeled "Firefighters: Individuals and Departments Online (FIDO)" now becomes the module which is the basis for the development of the aforementioned projects of accident/injury reporting, continuing education (CE) tracking, on-line complaints, testing and other processes currently in the developmental phases. Other areas slated for development includes automation of agency human resources and recordkeeping functions, the automation of all agency financial transactions i.e. accounting and budgeting functions and asset and inventory management systems. The agency has already initiated talks with Texas On-Line (management of agency's on-line payment initiative) and has investigated external resources for providers of on-line testing. As the agency has grown, demand for services, the numbers and types of certifications offered have increased greatly.

To address this demand, the agency has transitioned from a "testing on demand" model to a testing center concept. These types of demands have dictated the numerous changes in the agency data management systems which are being developed and implemented daily and require ongoing maintenance.

3. A. Goal: Education and Assistance: Restoration of funding and FTE for the agency's Earnest A. Emerson Resource Library which is critical not only to the commission's work in setting standards to ensure the safety of fire protection personnel, but also provides a valuable resource for the commission's fire service constituents.
 - a. FY12-\$65,778/1 FTE
 - b. FY13-\$65,778/1 FTE

The Texas Commission on Fire Protection administers the Ernest A. Emerson Fire Protection Resource Library to provide resources for fire protection research and to provide educational materials to fire departments and other entities. The library, located at the commission's Austin headquarters, houses hundreds of audiovisual and print materials on fire protection. The library's audiovisual materials are an available resource to lend to fire department training programs, researchers, and the public. The library's print materials are not in general circulation, but they may be used by anyone on-site. A program has been initiated to offer limited circulation of print materials to fire service personnel. The library has hundreds of books on fire protection, including training manuals, fire codes, and reference materials on fire service management practices. The agency has expanded the online catalog and number of audiovisual programs, which the fire service can use to browse the resource library's offerings and send online requests to check out reference materials.

The library currently has approximately 2,400 audiovisual programs and 2,000 book and report collections. The library's print materials are being cataloged and will be added to the online catalog. There is no charge for the use of the library's materials and without continued funding, will be a great loss to the state of Texas fire service. The library is poised to become a coordinating center for research into the major problems/risks as defined in the Injury Reporting System and as such has already been in conversations with various fire departments to investigate educational and training materials for major risk associated with fire service personnel as identified in one category of the Injury Reporting System.

4. B. Goal: Fire Department Standards: Restoration of funding for travel to certify and regulate fire departments and personnel.
 - a. FY12-\$40,000
 - b. FY13-\$40,000

The Texas Commission on Fire Protection has seven regional offices to serve the entire state of Texas. Regional offices assigned are based on the number of regulated departments and other regulated entities (i.e., training facilities, fire marshal offices, etc.) in each region. The commission is required to inspect each department or entity it regulates once every two years; although the number of departments (and hence, the number of inspections) is important in determining these geographic regions, more critical factors are the size of the department and the activity levels in each region. For example, Houston, the third largest fire department in the nation, requires significant resources from the compliance section of the standards division to conduct the agency's mandated inspections. Typically, the entire core of inspectors spend, at minimum, a week on site conducting the Houston compliance inspections, followed by several weeks of office time documenting the findings and establishing a corrective plan to implement to eliminate the infractions discovered. In addition to inspections, the commission's seven regional officers currently administer approximately 49 percent of the commission's certification examinations. The examinations have increased approximately 35 percent over the past four years. The commission estimates a 6 percent increase in the inspection process activity in fiscal year 2012 and 2013. There has been an increase in the number of volunteer departments hiring paid personnel, thereby falling under the commission's regulations and requiring inspections. The

process of bringing a new department into compliance with state regulations often requires information meetings with the department to answer questions and assist with the transition. While the agency actively engages in the aforementioned activities, the commission has also been charged with assisting the State Fire Marshal's Office with Line of Duty Death investigations. The sunset commission's recent mandate to investigate and compile data on firefighter accidents which result in injury and death will require a significant increase in travel. The increase in funding in this area will facilitate the agency's ability to meet this growing challenge to regulate the Texas fire service.

4. Ideas to improve the effectiveness/efficiency of the agency/cost-saving ideas.

The agency's goal is to utilize technology to improve the effectiveness and efficiency of the agency while reducing overall costs. In the past year and a half, the agency has made phenomenal strides with its information technology (IT) systems.

All regulated fire departments and certified fire protection personnel now have online accounts, which they can use to assign individuals to disciplines, to renew their certifications, to print their own certificates, and to update their contact information. Before the end of the last legislative session, agency staff had to perform all these functions themselves.

The agency is excited and enthusiastic about these changes; however, the agency is deeply concerned that many of the gains made will be lost if the reprogramming and rebuilding of these systems is assumed by a team that is unfamiliar with the agency systems. (The agency is of the opinion that if necessary steps are not taken to ensure the continuation of the process, the progress made thus far will be lost.)

The agency believes that two functions that could provide even more efficient, cost-effective services are online payments and online testing. The goal of the agency's IT section is to convert its existing inefficient legacy systems with an invoice-based system which will integrate with the state's online payment portal.

5. Response to all GEER reports, audits, and relevant Sunset recommendations (if applicable).

The agency appreciates the changes the legislature and Sunset Commission recommended to improve agency operations during the last legislative session and have implemented most of the legislative mandates as outlined below.

- 419.011 Complaints and 419.0366 Tracking and Analysis of Complaint and Violation Data - the compliance section has implemented a complaint process, and the agency is working to complete an automated complaint tracking system (receipt of complaints, assignment of investigators if warranted, etc.). The agency anticipates completion in the first half of this calendar year.
- 419.048 Fire Protection Personnel Injury Data; Recommendations to Reduce Injuries – The agency has implemented a fire fighter injury reporting tool. Currently the compliance staff has to summarize and analyze the data manually; the agency is continuing to work toward automate the production of the annual report.
- 419.034 Certificate Renewal – The agency's certification renewal process is now online; however, one part of the renewal process, submission of CE hours, will require rule changes and further IT development.
- 419.012 Technological Solutions – While several functions have been brought online since the last legislative session, loss of the IT personnel would have an impact on some of the processes that have been started but not completed. Other processes that would greatly enhance the agency's efficiency (online testing, online payments) would be further delayed. Currently some of the Standards division's data management functions still rely on the legacy Access database, while other functions have been migrated to the agency's new online systems. The agency has made strides in implementing this statute (for example, online certificate printing, online discipline assignment and contact information management), but many critical functions still rely on manual processing by staff.

6. Anything unusual that came up during the interim (disasters, federal law/rule changes, etc.).

The interim budget reductions have challenged the agency a great deal. The agency has not been able to provide additional requested services to the Texas fire service, but beyond that the agency has not experienced anything unusual or catastrophic.

Texas Commission on Fire Protection (411)
Senate Finance Committee Information

The Texas Commission on Fire Protection appreciates that the Senate has recognized the importance of the agency's mission and that the recommendation keeps intact most of the agency's core functions relating directly to fire fighter safety. The agency is aware of the monumental task with which legislators are confronted in identifying which of the state's core functions will receive the limited funds available.

To assist in this effort, the commission has revisited its FY12-13 Legislative Appropriations Request. Using the Legislative Budget Board's FY12-13 recommendations for funding as a guide, the agency has drafted a revised "proposal for TCFP funding." This information is presented below as a list of prioritized items to be returned to the FY12-13 introduced budget.

This list requests the return of four FTEs to handle support service functions. It is the agency's belief that, while challenging, the commitment of four FTEs in this area will allow the agency to continue to manage critical business and financial functions in-house.

Additionally, providing the agency with three information technology FTEs to continue developing the agency's database will provide the necessary resources to finalize the automation of functions associated with online fire fighter accident and injury reporting, online complaint processing, online continuing education reporting, and online fire fighter certification testing. The agency has initiated conversations with Texas.gov for management of its online payments initiative, which will greatly enhance the agency's efficiency in providing its services.

Overall impact of FY10-11 funding reductions and recommended reductions for FY12-13

During the last legislative session, agency commissioners agreed to raise certification, renewal and testing fees in order to secure additional staff for the agency, which the legislature approved by raising the agency's FTE cap from 33 to 40. The Texas fire service agreed to the increases so the agency could continue providing the current level of services.

The 5 percent reduction in FY10-11 resulted in a targeted dollar amount of \$243,255 for the agency to return to the Comptroller. To realize these savings, the agency implemented a number of cost-saving initiatives. The agency:

- Held vacancies open.
- Implemented several travel initiatives to reduce its travel budget (i.e. hotel reimbursement was reduced to \$65/night, travel mileage reimbursement was reduced to \$.30 per mile,
- meal reimbursement was reduced to \$30 per day, and all non-overnight travel meal reimbursements were eliminated).
- Cancelled the agency's Employee Assistance Program (EAP) which provided employees with a wide range of counseling services and advise on numerous issues.
- Suspended all library purchases.
- Carefully coordinated compliance officer inspections and agency testing requests in order to minimize overall travel costs.
- Significantly reduced the agency's "other operating costs," which required the agency to reduce planned purchases and to delay others to assist in reaching the identified amount.

The overall effect of the FY10-11 budget reductions limited the agency's ability to accomplish its legislative mandates. For example, Chapter 419 of the Government Code requires the agency to conduct biennial inspections of the state's regulated entities. One of the agency's main functions, ensuring fire protection personnel safety, is compromised when these safety inspections are not conducted in a timely manner. During compliance inspections, the agency physically inspects fire protection personnel protective equipment. Reducing this function puts Texas fire protection personnel at a greater risk of injury or death.

The agency's statute also requires the agency to track, investigate and categorize sources of complaints and to resolve complaints quickly before they become problems. Reductions in travel severely limit the agency's ability to address and resolve these issues.

The agency is also mandated to gather, evaluate and annually report data on fire protection personnel injuries, and the agency's accrediting entity, the International Fire Service Accreditation Congress (IFSAC), requires the agency to conduct random audits of fire fighter training to ensure evaluations are conducted according to established policies. Additionally, travel restrictions impact the agency's ability to assist the State Fire Marshal's Office in conducting its line-of-duty death investigations as required by statute.

The additional 2.5 percent request for FY11 represented a total dollar amount of \$60,509. Given the prior (5 percent) reductions, the agency had only salary savings from existing vacancies and had to further reduce its other operating costs to meet this request. The agency's remaining accounts had already been minimized.

The recommendations of the Legislative Budget Board for FY12-13, if implemented, will reduce the agency's budget by approximately 40 percent. This reduction would affect the agency's ability to serve both its internal and external customers at the level of service that it is currently providing. The reduction in fiscal and human resources (FTEs) would make it impossible for the agency to manage its business functions in-house, and eliminating the agency's information technology resources would severely impact the agency's continued development and implementation of processes currently in development, including the fire fighter accident and injury reporting system, online complaint processing; online testing for fire fighters; and the agency's online payment initiative with Texas.gov.

The proposed 50 percent reduction in travel will affect the number of inspections and examinations conducted, as well as travel reimbursements for the governing board.

The recommendation to "zero fund" the agency's Ernest A. Emerson Resource Library will impact fire departments that have no funding for training aids and materials, thus eliminating a valuable resource currently available to the Texas fire service, and affecting the safety of the state's fire fighters.

The following is the agency's request of prioritized items it would like the legislature to consider returning to the agency's FY2012-13 budget.

1. **Indirect Administration.** Restoration of funding and FTEs to remain within the agency in order to maintain sufficient levels of service internally and externally to the Texas fire service:
 - a. FY12-\$270,000/4 FTEs
 - b. FY13-\$270,000/4 FTEs

One FTE is a critical position necessary to perform high-level professional administrative support to the executive director, the management team and the 13-member governing board, and who serves as an executive team member to identify solutions to operating issues of the agency. This FTE:

- Manages executive communications for internal and external customers.
- Researches and documents information involving issues and projects of the executive director.
- Provides follow-up on assignments given to management staff by the executive director and 13-member governing board.
- Researches, analyzes, prepares and submits reports (i.e. fiscal notes, strategic plan, legislative appropriations request) for the executive director, governing board, legislature, other state agencies and general public.
- Drafts, reviews and edits text for agency rule submissions and posts agendas and open meeting notifications with the Texas Register.

The second and third FTEs provide staff services support for agency personnel. The second FTE:

- Performs advanced (senior-level) staff services functions including planning, directing and coordinating human resource management, organizational development, training, risk management, and benefits and payroll.
- Interprets and ensures agency compliance with applicable federal, state, and local regulations.
- Administers agency payroll (regular/supplemental, track file transfer protocol daily reports, quarterly payroll tax and annual payroll reports).
- Administers agency leave accounting functions, employment processes and benefits.
- Oversees agency purchasing functions.

The third FTE:

- Performs complex budget and accounting functions, including preparing and overseeing financial statements, accounting transactions, records, documents and reports.
- Prepares the annual financial report.
- Audits and processes travel vouchers.
- Maintains cash control records and processes revenue for deposit into the State Treasury.
- Reports the status of the agency budget and expenditures to the executive management team.

- Purchases agency supplies and equipment.
- Maintains records and tracks quarterly encumbrances and payable reports, fixed asset reports, and property inventory and management reports.

The fourth FTE prepares and disseminates information regarding agency functions to the public, media, legislature, regulated entities and other state agencies and maintains the agency's website. This FTE:

- Assists in maintaining the web portal for Texas fire fighters who are regulated by the agency (i.e. fire fighter certification, training, continuing education units and fire fighter accident and injury statistics.)
- Ensures compliance with the State of Texas Electronic Information Resources Accessibility Standards.
- Serves as the agency's information resource manager.
- Develops and administers the security and integrity of agency internet services.
- Posts current rules on the agency's website.

2. Indirect Administration. Restoration of funding and FTEs to maintain agency critical data management systems and functions

- a. FY12-\$182,500/3 FTEs
- b. FY13-\$182,500/3 FTEs

Restoration of these FTEs would facilitate the agency's ability to continue the construction and development of its main database in-house. The agency's current IT staff began to rebuild the existing data management systems as a web-based system with outward-facing applications which directly impact the agency's regulated entities, individuals and departments. These new systems allow Texas fire fighters to electronically submit departmental information regarding certifications, training and continuing educational units required for certification renewals.

Although much of the current IT staff's time is spent keeping the agency's legacy systems functioning, the agency has developed and implemented several new programs to meet new mandates, including statewide online fire fighter accident and injury reporting, online complaint processing, and online continuing education (CE) tracking. The IT section has also supported initiatives to implement online certification testing of fire fighters, and the agency has initiated talks with Texas.gov regarding the transition to on-line payments.

In the past year and a half, the agency has made phenomenal strides with its information technology systems. All regulated fire departments now have online accounts that they can use to assign individuals to disciplines, to renew their certifications, to print their own certificates, and to update their contact information.(Before the end of the last legislative session, agency staff had to perform all these functions themselves.)

Although the agency is excited and enthusiastic about these changes, it is deeply concerned that many of the gains made will be lost if the reprogramming and rebuilding of these systems is assumed by a team that is unfamiliar with the agency systems.

The agency believes that two functions that could provide even more efficient, cost-effective services are online testing and online payments. The goal of the agency's IT section is to convert its existing inefficient legacy systems with an invoice-based system that will integrate with the Texas.gov online payment portal.

3. Goal A. Education and Assistance: Restoration of funding and FTE for the agency's Ernest A. Emerson Fire Protection Resource Library, which is critical not only to the commission's work in setting standards to ensure the safety of fire protection personnel, but also provides a valuable resource for the commission's fire service constituents.

- a. FY12-\$65,778/1 FTE
- b. FY13-\$65,778/1 FTE

The Texas Commission on Fire Protection administers the Ernest A. Emerson Fire Protection Resource Library to provide resources for research and to provide educational materials to fire departments and other entities. The library, located at the commission's Austin headquarters houses hundreds of audiovisual and print materials on fire protection. The library's audiovisual materials are available to lend to fire department training programs, researchers, and the public. The library has hundreds of books on fire protection, including training manuals, fire codes, and reference materials on fire service management practices. The agency has expanded its online catalog, which the fire service can use to browse the resource library's offerings and to send online requests to check out reference materials.

The library currently has approximately 2,400 audiovisual programs and 2,000 book and report collections. The library's print materials will be added to the online catalog. There is no charge for the use of the library's materials, which, without continued funding, will be a great loss to the Texas fire service. The library is poised to become a coordinating center for research into the major problems/risks as defined in the Injury Reporting System and as such has already been in conversations with various fire departments to investigate educational and training materials for major risks associated with fire service personnel as identified in the Injury Reporting System.

4. Goal B. Fire Department Standards: Restoration of funding for travel to certify and regulate fire departments and personnel

a. FY12-\$40,000

b. FY13-\$40,000

The Texas Commission on Fire Protection has seven regional offices to serve the entire state of Texas. Regional office assignments are based on the number of regulated departments and other regulated entities (i.e., training facilities, fire marshal offices, etc.) in each region. The commission is required to inspect each department or entity it regulates once every two years. Although the number of departments (and hence, the number of inspections) is important in determining these geographic regions, more critical factors are the size of the departments and the activity levels in each region.

For example, Houston, the third largest fire department in the nation, requires significant resources from the agency's compliance section to conduct the agency's mandated inspections. Typically, the entire corps of inspectors spend, at minimum, a week on-site conducting the Houston compliance inspections, followed by several weeks of office time documenting the findings and establishing a corrective plan to implement to eliminate the infractions discovered.

In addition to inspections, the commission's seven regional officers currently administer approximately 49 percent of the commission's certification examinations. The examinations have increased approximately 35 percent over the past four years.

The commission estimates a 6 percent increase in the inspection process activity in fiscal year 2012 and 2013. There has been an increase in the number of volunteer departments hiring paid personnel, thereby falling under the commission's regulations and requiring inspections. The process of bringing a new department into compliance with state regulations often requires informational meetings with the department to answer questions and assist with the transition.

While the agency actively engages in the aforementioned activities, the commission has also been charged with assisting the State Fire Marshal's Office with Line of Duty Death investigations. The sunset commission's recent mandate to investigate and compile data on fire fighter accidents which result in injury and death will require a significant increase in travel. An increase in funding in this area would facilitate the agency's ability to meet this growing challenge.

Sunset recommendations from the 81st Legislative session

The commission appreciates the changes the Legislature and Sunset Commission recommended to improve agency operations during the last legislative session and have implemented most of the legislative mandates as outlined below.

- 419.011 Complaints and 419.0366 Tracking and Analysis of Complaint and Violation Data - the compliance section has implemented a complaint process, and the agency is working to complete an automated complaint tracking system (receipt of complaints, assignment of investigators if warranted, etc.). The agency anticipates completion in the first half of this calendar year.
- 419.048 Fire Protection Personnel Injury Data; Recommendations to Reduce Injuries – The agency has implemented a fire fighter injury reporting tool. Currently the compliance staff has to summarize and analyze the data manually; the agency is continuing to work toward automate the production of the annual report.
- 419.034 Certificate Renewal – The agency's certification renewal process is now online; however, one part of the renewal process, submission of CE hours, will require rule changes and further IT development.
- 419.012 Technological Solutions – While several functions have been brought online since the last legislative session, loss of the IT personnel would have an impact on some of the processes that have been started but not completed. Other processes that would greatly enhance the agency's efficiency (online testing, online payments) would be further delayed. Currently some of the Standards division's data management functions still rely on the legacy Access database, while other functions have been migrated to the agency's new online systems. The agency has made strides in implementing this statute (for example, online certificate printing,

online discipline assignment and contact information management), but many critical functions still rely on manual processing by staff.

- 3. Executive session pursuant to Government Code, Section 551.074, for the discussion of personnel matters: the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, and the appointment, employment, reassignment, or duties of personnel acting on an interim basis in this position.**

4. Open session for further discussion and possible action regarding preceding agenda item.

5. Adjourn meeting.