

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Steve Tull, at 10:00 a.m. called the October 25, 2012 meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

Attending	Les Bunte* Carl Giles Arthur Pertile, II**	Elroy Carson* John Gillette* Leonardo Perez	Tony Cortes* Jody Gonzalez Steve Tull	Pat Ekiss John Green	Yusuf Farran John McMakin
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*absent entire meeting
**absent part of meeting

Staff	Don Wilson Paul Maldonado	Deborah Cowan Jim Crowson, Assistant Attorney General	Tim Rutland	Mike Baker
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Guests	Jim Reidy Jason Loyd Chris Barron	Mike Higgins Wendell Burton Thayer Smith	Cary Roccaforte Don Jansen Betty Wilkes	David Brannon Kelly Kistner Frank Adams	Frank Bengochea Mike VanBuskirk Robert Barron
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| 1. Roll call | Presiding Officer, Steve Tull called roll and a quorum was present. |
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| 2. Adoption of Minutes | A motion to approve the minutes of the July 11, 2012 commission meeting minutes was made by Yusuf Farran and seconded by Carl Giles. The motion carried. |
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| 3. Budget and Strategic Plan Subcommittee Meeting | The subcommittees met together to review the agency's current budget and FY12 year end performance measures. |
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| 4. Subcommittee Reports | No action necessary. |
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| 5. Reports from Fire Service Interest Groups | Brief reports were given by the Texas State Association of Fire Fighters, Texas Fire Chiefs Association, State Fire Marshal's Office, State Firemen's and Fire Marshals' Association and Texas Fire Marshal's Association. |
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| 6. Report from Fire Service School Advisory Board & TEEEX | Commission representative Robert Fite was unable to attend the meeting but submitted a written report. |
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| 7. New Matters | Policy and procedures regarding compliance inspections of regulated entities.
Fire inspector certifications (HB 3866)
Discussion of definitions for volunteers, part-time and part-paid fire protection personnel |
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| 8. Future meeting dates | The commission scheduled its next meeting for January 24, 2013, beginning at 10:00 a.m. |
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| 9. Matters from Fire Fighter Advisory Committee | A. 1. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 441, §441.5 with changes as discussed was made by John Green and seconded by Carl Giles. The motion carried. |
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After further discussion, A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 441, §§441.3, 441.7, 441.11, 441.13, 441.15, 441.17, 441.19, and 441.21 with changes as discussed was made by John Green and seconded by Jody Gonzalez. The motion carried.

2. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 421, §421.17 as discussed was made by Leonardo Perez and seconded by Jody Gonzalez. The motion carried.
 3. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 401, §§401.5, 401.11, 401.13, 401.17, 401.19, 401.21, 401.23, 401.31, 401.41, 401.43, 401.45, 401.47, 401.49, 401.51, 401.117, 401.121, 401.123, 401.125, new §401.129, and new §401.131 with changes to §401.11 as discussed was made by Arthur Pertile, III and seconded by Carl Giles. The motion carried.
 4. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 403, §§403.1, 403.3, 403.5, 403.9, 403.11, and 403.15 as discussed was made by Jody Gonzalez and seconded by Leonardo Perez. The motion carried.
 5. A motion to approve for final adoption the proposed repeal of 37 TAC, Chapter 405, §§405.1, 405.3, 405.5, 405.7, 405.9, 405.11, and 405.15 as discussed was made by Arthur Pertile and seconded by John McMakin. The motion carried.
 6. A motion to approve for final adoption the proposed repeal of 37 TAC, Chapter 407, §407.1 as discussed was made by Arthur Pertile and seconded by John McMakin. The motion carried.
- B. 1. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 427, §427.307 as discussed was made by Carl Giles and seconded by Pat Ekiss. The motion carried.
2. A motion to approve for publication the proposed new section to 37 TAC, Chapter 441, new §441.23 with changes as discussed was made by Arthur Pertile and seconded by John Green. The motion carried.
 3. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 449, §449.3 and §449.5 with changes as discussed was made by Arthur Pertile and seconded by Carl Giles. The motion carried.
 4. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 451, new Subchapter C, §§451.301, 451.303 and 451.305 and new Subchapter D, §451.401, 451.403, and 451.405 with changes as discussed was made by Leonardo Perez and seconded by Carl Giles. The motion carried.

A motion to propose for publication the proposed amendments to 37 TAC, Chapter 451, and 37 TAC Chapter 453 with changes in rule structure as discussed was made by Carl Giles and seconded by John Green. The motion carried.

A motion to propose for publication the proposed amendments to 37 TAC, Chapter 451, with changes to §451.303 and §451.403 replacing August 31, 2013 with "from the effective date of this subchapter" as discussed was made by Leonardo Perez and seconded by Carl Giles. The motion carried.

5. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 453, §§453.3, 453.5 and 453.7 and new Subchapter B, §§453.201, 453.203 and 453.205 with changes as discussed was made by Jody Gonzalez and seconded by Carl Giles. The motion carried.

- C. A motion to approve new Fire Officer III, Fire Officer IV, and Basic Wildland Fire Fighter curricula, reference lists and curriculum outlines as discussed was made by Leonardo Perez and seconded by John Green. The motion carried.

A motion to table new Head of a Fire Department Curriculum, reference list and skill sheets for further review by the fire fighter advisory committee was made by Arthur Pertile and seconded by Carl Giles. The motion carried.

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10. Final Adoption Rule reviews A motion to approve for final adoption agency rule reviews of 37 TAC, Chapters 401, 403, 405, 407, 431, 433, 435, 437, 443, 445, 447, and 449 as discussed was made by Jody Gonzalez and seconded by Carl Giles. The motion carried.
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11. Proposed Rule Reviews seconded A motion to approve for publication agency rule reviews of 37 TAC, Chapters 421, 423, 425, 427, 429, 439, 441, 451, 453, 491, 493 and 495 as discussed was made by John Green and seconded by Leonardo Perez. The motion carried.
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12. Higher Levels of Certification No action necessary.
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13. IFSAC Seals After discussion, the issue was tabled for further review.
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14. Appointment of new fire fighter advisory committee member. After discussion, the commission provided direction to the executive director on handling the process for filling the vacancy on the committee due to the retirement of David Hudgins, Fire Chief of Waxahachie.
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15. Matters from Executive Director
- a. Mr. Wilson provided commissioners with a copy of the most recent consent order since the last commission meeting. No action necessary.
 - b. Mr. Wilson provided the commissioners information regarding division functions and answered questions posed by commissioners. Mr. Wilson asked Mollie Clakley to introduce the agency's newest employee, Amanda (Mandy) Ramos, Customer Service Representative for the Training Approval and Testing Program.
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16. Executive session Presiding Officer, Steve Tull did not call for the Executive Session.
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17. Open Session No action necessary.
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18. Adjournment A motion to adjourn in honor of Senator Mario Gallegos was made by Leonardo Perez and seconded by John Green. The motion carried.