

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Steve Tull, at 10:00 a.m. called the January 24, 2013 meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

Attending	Elroy Carson Joseph Gonzalez Arthur Pertile, II*	Pat Ekiss John Green* Ronald Poynter	Yusuf Farran** John McMakin Steve Tull	Carl Giles Robert Moore	John Gillette Leonardo Perez
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*absent entire meeting
**absent part of meeting

Staff	Don Wilson Paul Maldonado	Deborah Cowan Andrew Lutostanski, 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 | Secretary John Gillette called roll and a quorum was present. |
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| 2. Adoption of made Minutes | A motion to approve the minutes of the October 25, 2012 commission meeting minutes was by Carl Giles and seconded by John McMakin. The motion carried. |
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| 3. Budget and Strategic Plan Subcommittee Meeting | The subcommittees met together to review the agency's current and biennium budgets. |
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| 4. Subcommittee Reports | No action necessary. |
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| 5. Reappoint Subcommittee Members | Budget Subcommittee members: Elroy Carson-Chair; John Gillette, Carl Giles, Joseph Gonzalez Leonardo Perez and Ron Poynter.
Strategic Plan Subcommittee members: Arthur Pertile, III-Chair, Pat Ekiss, Yusuf Farran, John Green, John McMakin and Robert Moore |
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| 6. 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 |
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| 7. Report from Fire Service School Advisory Board & TEEEX | Commission representative Robert Fite gave a brief update on activities since last meeting. |
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| 8. New Matters | None identified |
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| 9. Future meeting dates | The commission scheduled its next meeting for April 25, 2013, beginning at 10:00 a.m. |
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10. Matters from
Fire Fighter
Advisory
Committee

- A. 1. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 427, §427.307 as discussed was made by Joseph Gonzalez and seconded by Leonardo Perez. The motion carried.
2. A motion to approve for final adoption the proposed new section to 37 TAC, Chapter 441, §441.23 as discussed was made by Elroy Carson and seconded by Pat Ekiss. The motion carried.
3. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 449, §449.3 and §449.5 as discussed was made by Elroy Carson and seconded by Carl Giles. The motion carried.
4. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 451, §§451.301, 451.303, 451.305, 451.401, 451.403 and 451.405 with one year grace period and does not require a written test for a state certification if NFPA 1021 requirements are met was made by John Gillette and seconded by Ronald Poynter. The motion failed (3 for, 8 against)
- After further discussion, a motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 451, §§451.301, 451.303, 451.305, 451.401, 451.403 and 451.405 as recommended was made by Yusuf Farran and seconded by Elroy Carson. The motion carried.
5. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 453, §§453.3, 453.5, 453.7, 453.201, 453.203 and 453.205 with changes as discussed was made by Leonardo Perez and seconded by Carl Giles. The motion carried.
- B. 1. After discussion, a motion to send 37 TAC, Chapter 421 back to the fire fighter advisory committee for further review adding Fire Officer III and Fire Officer IV to §421.3 was made by Joseph Gonzalez and seconded by John McMakin. The motion carried.
2. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 425, §§425.1, 425.3, 425.5, 425.7 and 425.11 as discussed was made by Leonardo Perez and seconded by John Gillette. The motion carried.
3. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 435, §435.1, 435.3, 435.7, 435.11, 435.19 and 435.25 as discussed was made by Elroy Carson and seconded by Carl Giles. The motion carried.
4. A motion to reject the proposed amendments to 37 TAC, Chapter 455, §455.3 was made by Joseph Gonzalez and seconded by Yusuf Farran. The motion carried.
- C. A motion to approve new Head of a Fire Department curriculum, reference list and skill sheets as discussed was made by Leonardo Perez and seconded by Carl Giles. The motion carried.

11. Final Adoption
Rule reviews

A motion to approve for final adoption 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 Gillette and seconded by Carl Giles. The motion carried.

12. IFSAC Seals

No action taken.

13. Appointment of new fire fighter advisory committee member After discussion, a motion to accept the seven names submitted from the subcommittee to be considered for appointment to the advisory committee was made by Joseph Gonzalez and seconded by Leonardo Perez. The motion carried.
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14. Matters from Executive Director Director a. Mr. Wilson informed commissioners there were no new consent orders or contested cases since the last commission meeting.
b. Mr. Wilson provided the commissioners information regarding division functions and answered questions posed by commissioners. Mr. Wilson updated commissioners on on-line testing and regional test sites.
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15. Executive session Presiding Officer, Steve Tull called for the Executive Session at 4:29 p.m.
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16. Open Session Presiding Officer called for open session at 6:21 p.m. No action taken.
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17. Adjournment A motion to adjourn was made by Elroy Carson and seconded by Carl Giles. The motion carried.

Steve Tull, Presiding Officer