

[H.B. 1009](#)

Sponsor: Roberto Alonzo

Critical bill language:

“An employee of a municipality* ... may not perform a duty that is classified as a wildland firefighting duty, including conducting a prescribed burn, unless that person is a permanent, full-time fire department civil service employee...”

What this bill would do:

The most substantial action of H.B. 1009 is to classify prescribed burning as a firefighting duty which would prevent municipal (city) land managers throughout the Texas from applying prescribed burns. Prescribed burning is currently regulated in Texas as a land management activity.

The back story:

This bill was authored by the Austin Firefighter’s Association (AFA), the union for Austin Fire Department (AFD) firefighters. AFA contends that fire departments should be in charge of prescribed burns on municipal lands to ensure they are conducted safely. Currently, the cities of Borger, San Antonio, and Austin engage in prescribed burning and others are preparing to do so.

The City of Borger conducts prescribed burns in coordination with Amarillo Fire Department and the National Park Service. The City of Ft. Worth conducts prescribed burns at the Ft. Worth Nature Center and Refuge for habitat management. The Austin Water Utility (AWU) conducts prescribed burns on the City of Austin Water Quality Protection Lands and Balcones Canyonlands Preserve, both of which it manages. AWU follows the standards of the National Wildfire Coordinating Group, which are widely accepted as the most rigorous standards for wildland fire operations.

Despite the union’s contention that fire departments should be in charge of prescribed burns on city land, municipal prescribed burn managers provide a substantial amount of wildland fire training for structure firefighters. For example, since 2006, City of Austin burn managers have directly trained AFD firefighters on prescribed burns as well as at the AFD academy. In return, AFD provides personnel and equipment to assist with prescribed burns on city conservation lands. These two agencies, along with other state and federal agencies as well as other fire departments, continue to collaborate on prescribed burns and engage in mutual cross-training.

H.B. 1009 was filed previously and failed during the 2013 and 2015 legislative sessions. Notably, the bill has not been supported by many entities that it would affect, such as the City of Austin, the Austin Fire Department, the Ft. Worth Nature Center, and the Texas Association of Firefighters.

Pros:

- We see no real benefit to this bill.

Cons:

This bill would...

- Restrict the ability of municipalities to manage natural resources
- End collaborative partnerships between cities and fire departments.
- Hamper the ability of cities and fire departments to mitigate and prepare for wildfires, especially in the wildland-urban interface.
- Reclassify prescribed burning – currently regulated in Texas as a land management activity - as a firefighting activity. This would create confusion within the regulations pertaining to prescribed burning and could be problematic for counties, state agencies, organizations, and individuals who engage in prescribed burning in Texas. We fear that counties could in the future be subject to similar prescribed burning restrictions.
- Prevent fire departments from using part-time or temporary employees in wildland firefighting activities.

The bottom line:

Fire is a natural process and is important for the proper functioning of most Texas ecosystems. Prescribed burning is a powerful tool used by land managers to mimic the effects of natural fires. While prescribed burning draws upon many of the skills used in firefighting, it is ultimately a land management practice and must be classified and regulated as such.

H.B. 1009 is one union's attempt to secure more money, resources, and jobs for its members by restricting the activities of municipal employees. It would hinder natural resource management by restricting and bureaucratizing prescribed burning and could ultimately be detrimental for public safety by ending collaborative relationships that facilitate wildland fire training for fire departments.

*Only municipalities that have adopted Local Government Code [Chapter 143](#) are covered by H.B. 1009.