

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 21, 2003

TO: Honorable Glenn Lewis, Chair, House Committee on County Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1460 by Lindsay (Relating to the county fire marshals and county fire protection; providing penalties.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would require the commissioners court of a county, with the advice of the county fire marshal, to adopt rules and procedures for determining which fires warrant investigation by the county fire marshal. Additionally, when requested by the fire marshal, each fire department and state or local agency that provides emergency medical services, would be required to submit reports in a timely manner to the county fire marshal.

The county fire marshal would be authorized to review plans for fire or life safety hazards of a business, single-family residence, multi-family dwelling, or commercial property for fire or life safety hazards.

The county commissioners court and the county fire marshal would be authorized to jointly adopt voluntary guidelines regarding participation by certain fire departments in the Texas Fire Incident Reporting System or the National Fire Incident Reporting System, or both. A county commissioners court would also be allowed to authorize the county fire marshal to provide training programs and the county would be allowed to collect a reasonable fee for the training program and associated expenses. The training programs would be required to be at least as stringent as the minimum qualifications set by the Texas Commission on Fire Protection.

The bill would raise the maximum fine from \$25 to \$2,000 for the offense of contempt of fire investigation proceedings and would raise from a Class B misdemeanor to a Class A misdemeanor refusal to comply with a fire safety inspection. A third offense would be a state jail felony. The limitation on when an offense of arson may be presented for indictment would change from five years to 10 years after the date the offense was committed.

The bill would take effect September 1, 2003 and would apply only to an offense committed on or after that date.

A county would experience a savings by establishing criteria for which fires the county fire marshal is required to inspect, as opposed to inspecting all fires. All other requirements for a county commissioners court, a county fire marshal, fire departments, and emergency medical services providers would be insignificant or costs could be recouped through fees and fines.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, DLBa