

BILL ANALYSIS

C.S.H.B. 3866
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many state agencies and local governments, as part of their oversight processes, require licensed facilities or regulated entities to undergo periodic fire safety inspections. However, most directives do not specify who can perform these inspections and to what standard they are to be inspected. As a result, many facility operators contract with inspectors who have no specific training or expertise in the fire safety inspection process, and often there is no written standard to guide the property owner or the inspector. Consequently, the agency, the business owner, and the building occupants do not get what was intended or paid for, and the results can be devastating.

C.S.H.B. 3866 requires a state-mandated fire inspection to be performed by a certified fire inspector and requires that the inspection meet either the most recent local fire code or the most recent state fire code, which is the National Fire Protection Agency's Life Safety Code, NFPA 101. The bill exempts state agency personnel who conduct a life safety code survey of a building or facility in connection with issuing or renewing certain licenses from the bill's provisions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3866 amends the Government Code to establish that only an individual certified by the Texas Commission on Fire Protection as a fire inspector is authorized to conduct a fire safety inspection required by a state or local law, rule, regulation, or ordinance. The bill requires such an inspection to be conducted in accordance with the most recent local fire code or the most recent fire code adopted by the state fire marshal.

C.S.H.B. 3866 specifies that its provisions do not apply to state agency personnel who conduct a life safety code survey of a building or facility in connection with determining whether to issue or renew a license under Health and Safety Code provisions relating to home and community support services, convalescent and nursing homes and related institutions, assisted living facilities, and intermediate care facilities for the mentally retarded, as well as provisions in the Human Resource Code relating to adult day care.

C.S.H.B. 3866 makes its provisions applicable only to a fire safety inspection that occurs on or after September 1, 2011.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3866 adds a provision not in the original to exempt from the bill's provisions state agency personnel who conduct a life safety code survey of a building or facility in connection with determining whether to issue or renew certain health and human services licenses.