

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Naishtat, Homer

H.B. No. 3866

A BILL TO BE ENTITLED

AN ACT

relating to fire safety inspections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 419, Government Code, is amended by adding Section 419.908 to read as follows:

Sec. 419.908. FIRE SAFETY INSPECTIONS. (a) Only an individual certified by the commission as a fire inspector may conduct a fire safety inspection required by a state or local law, rule, regulation, or ordinance.

(b) A fire safety inspection required by a state or local law, rule, regulation, or ordinance must be conducted in accordance with:

(1) the most recent local fire code; or

(2) the most recent fire code adopted by the state fire marshal.

(c) This section does 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 Chapter 142, 242, 247, or 252, Health and Safety Code, or Chapter 103, Human Resources Code.

SECTION 2. (a) Section 419.908(a), Government Code, as added by this Act, applies only to a fire safety inspection that occurs on or after September 1, 2011. A fire safety inspection that occurs before September 1, 2011, is covered by the law in effect

1 immediately before that date, and the former law is continued in  
2 effect for that purpose.

3 (b) Section 419.908(b), Government Code, as added by this  
4 Act, applies only to a fire safety inspection that occurs on or  
5 after the effective date of this Act. A fire safety inspection that  
6 occurs before the effective date of this Act is covered by the law  
7 in effect immediately before that date, and the former law is  
8 continued in effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2009.

ADOPTED

MAY 27 2009

*Atty Gen*  
Secretary of the Senate

By: Naishtat / *Watson*

H.B. No. ~~3800~~ <sup>3846</sup>

Substitute the following for H.B. No. ~~3800~~ <sup>3846</sup>:

By: *Thule Watson*

C.S.H.B. No. ~~3800~~ <sup>3846</sup>

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7 individual certified by the commission as a fire inspector may  
8 conduct a fire safety inspection required by a state or local  
9 law, rule, regulation, or ordinance.

10 (b) A fire safety inspection required by a state or local  
11 law, rule, regulation, or ordinance must be conducted in  
12 accordance with:

- 13 (1) the most recent local fire code; or  
14 (2) the most recent fire code adopted by the state  
15 fire marshal.

16 (c) This section does not apply to state agency personnel  
17 who conduct a life safety code survey of a building or facility  
18 in connection with determining whether to issue or renew a  
19 license under Chapter 142, 241, 242, 243, 244, 245, 247, 248,

1 251, 252, 464, 466 or 577, Health and Safety Code, or Chapter  
2 103, Human Resources Code.

3 SECTION 2. (a) Section 419.908(a), Government Code, as  
4 added by this Act, applies only to a fire safety inspection that  
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8 continued in effect for that purpose.

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10 Act, applies only to a fire safety inspection that occurs on or  
11 after the effective date of this Act. A fire safety inspection  
12 that occurs before the effective date of this Act is covered by  
13 the law in effect immediately before that date, and the former  
14 law is continued in effect for that purpose.

15 SECTION 3. This Act takes effect September 1, 2009.

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 27, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3866** by Naishtat (Relating to fire safety inspections.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would prohibit a person who is not certified by the Commission on Fire Protection as a fire inspector to conduct a fire safety inspection required by state law, rule, regulation, or ordinance. The bill would not apply to state agency personnel who conduct life safety code surveys of buildings or facilities in order to determine whether to issue or renew a license related to home and community support services, convalescent and nursing homes, assisted living facilities, intermediate care facilities for the mentally retarded, and adult day care. A fire safety inspection would be required to be in accordance with the most recent local fire code or the most recent fire code adopted by the state fire marshal. The bill would apply only to a fire safety inspection that occurs on or after September 1, 2011.

**Local Government Impact**

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

**Source Agencies:**

**LBB Staff:** JOB, SD, JRO, DB, GG, AI

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 21, 2009**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3866** by Naishtat ( Relating to fire safety inspections.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would prohibit a person who is not certified by the Commission on Fire Protection as a fire inspector to conduct a fire safety inspection required by state law, rule, regulation, or ordinance. The bill would not apply to state agency personnel who conduct life safety code surveys of buildings or facilities in order to determine whether to issue or renew a license related to home and community support services, convalescent and nursing homes, assisted living facilities, intermediate care facilities for the mentally retarded, and adult day care. A fire safety inspection would be required to be in accordance with the most recent local fire code or the most recent fire code adopted by the state fire marshal. The bill would apply only to a fire safety inspection that occurs on or after September 1, 2011.

**Local Government Impact**

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

**Source Agencies:**

**LBB Staff:** JOB, JRO, DB, GG, AI

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 18, 2009**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB3866** by Naishtat (Relating to fire safety inspections.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would prohibit a person who is not certified by the Commission on Fire Protection as a fire inspector to conduct a fire safety inspection required by state law, rule, regulation, or ordinance. The bill would not apply to state agency personnel who conduct life safety code surveys of buildings or facilities in order to determine whether to issue or renew a license related to home and community support services, convalescent and nursing homes, assisted living facilities, intermediate care facilities for the mentally retarded, and adult day care. A fire safety inspection would be required to be in accordance with the most recent local fire code or the most recent fire code adopted by the state fire marshal. The bill would apply only to a fire safety inspection that occurs on or after September 1, 2011.

**Local Government Impact**

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

**Source Agencies:**

**LBB Staff:** JOB, JRO, DB, GG, AI

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 15, 2009**

**TO:** Honorable Yvonne Davis, Chair, House Committee on Urban Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3866** by Naishtat (Relating to fire safety inspections.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would prohibit a person who is not certified by the Commission on Fire Protection as a fire inspector to conduct a fire safety inspection required by state law, rule, regulation, or ordinance. The bill would not apply to state agency personnel who conduct life safety code surveys of buildings or facilities in order to determine whether to issue or renew a license related to home and community support services, convalescent and nursing homes, assisted living facilities, intermediate care facilities for the mentally retarded, and adult day care. A fire safety inspection would be required to be in accordance with the most recent local fire code or the most recent fire code adopted by the state fire marshal. The bill would apply only to a fire safety inspection that occurs on or after September 1, 2011.

**Local Government Impact**

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

**Source Agencies:**

**LBB Staff:** JOB, DB, GG, AI



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 31, 2009**

**TO:** Honorable Yvonne Davis, Chair, House Committee on Urban Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3866** by Naishtat (Relating to fire safety inspections.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would prohibit a person who is not certified by the Commission on Fire Protection as a fire inspector to conduct a fire safety inspection required by state law, rule, regulation, or ordinance. A fire safety inspection would be required to be in accordance with the most recent local fire code or the most recent fire code adopted by the state fire marshal. The bill would apply only to a fire safety inspection that occurs on or after September 1, 2011.

**Local Government Impact**

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

**Source Agencies:** 411 Commission on Fire Protection

**LBB Staff:** JOB, DB, GG, AI