

BILL ANALYSIS

S.B. 1105
By: Eltife
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The State Fire Marshal's Office (SFMO) helps protect public safety on state-owned property. In 2011, SFMO initiated an inspection program to periodically inspect all 16,000 state-owned buildings. Local fire code and building ordinances typically do not apply to state buildings.

Section 417.0081 of the Government Code provides for SFMO fire safety inspections in facilities owned and leased by the Texas Facilities Commission, which only accounts for an estimated six percent of state-owned and leased buildings, and four percent of all state-owned and leased square footage. SFMO has also conducted inspections of other state-owned facilities where fire and public safety violations and concerns were documented. However, current Texas law lacks clarity regarding SFMO's role as the authority with jurisdiction for all state-owned buildings.

S.B. 1105 makes clear that SFMO is the chief fire marshal related to fire protection and fire safety for all state-owned and operated buildings.

As proposed, S.B. 1105 amends current law relating to fire inspections by the state fire marshal for state-owned and state-leased buildings.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of insurance, the Texas Facilities Commission and the risk management board is rescinded in SECTION 3 (Section 417.0082, Government Code) of this bill.

ANALYSIS

SECTION 1. Amends the heading to Section 417.0081, Government Code, to read as follows:

Sec. 417.0081. INSPECTION OF STATE-OWNED OR STATE-LEASED BUILDINGS.

SECTION 2. Amends Section 417.0081(a), Government Code, to require the state fire marshal, at the commissioner of insurance's (commissioner's) direction, to periodically inspect public buildings under the charge and control of a state agency and buildings leased for the use of a state agency, rather than requires the state fire marshal, at the commissioner's direction, to periodically inspect public buildings under the charge and control of the Texas Facilities Commission (TFC) and buildings leased for the use of a state agency by TFC.

SECTION 3. Amends Section 417.0082, Government Code, as follows:

Sec. 417.0082. New heading: PROTECTION OF STATE-OWNED OR STATE-LEASED BUILDINGS AGAINST FIRE HAZARDS; AUTHORITY OF STATE FIRE MARSHAL. (a) Requires the state fire marshal, under the direction of the commissioner, to take any action necessary to protect a public building under the charge and control of a state agency, rather than TFC, and the building's occupants, and the occupants of a building leased for the use of a state agency, rather than by TFC, against an existing or threatened fire hazard. Requires the state fire marshal, rather than requires the state fire marshal and TFC, to include the State Office of Risk Management (SORM) and each state agency occupying or managing an affected building in all communication concerning fire hazards.

(b) Requires the commissioner and SORM to make and each adopt a memorandum of understanding that coordinates the agency's duties under this section, rather than requiring the commissioner, TFC, and the risk management board to make and each adopt by rule such a memorandum.

(c) Provides that the state fire marshal is the authority having jurisdiction over a state-owned building for purposes of fire safety.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2015.