

SUBJECT: Fire safety authority under the State Fire Marshal Office

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 10 ayes — Cook, Giddings, Farney, Farrar, Geren, Harless, Huberty, Kuempel, Minjarez, Smithee

0 nays

3 absent — Craddick, Oliveira, Sylvester Turner

SENATE VOTE: On final passage, April 30 — 31-0, on local and uncontested calendar

WITNESSES: None

BACKGROUND: Government Code, ch. 417, establishes duties of the state fire marshal under the authority of the commissioner of insurance. The state fire marshal enforces certain provisions of the Insurance Code and other law relating to the state fire marshal.

Sec. 417.0081 requires the state fire marshal to periodically inspect public buildings under the charge and control of the Texas Facilities Commission and buildings leased for the use of a state agency by the commission.

Sec. 417.0082 authorizes the state fire marshal to take any action necessary to protect a public building under the charge and control of the Texas Facilities Commission. The state fire marshal is also required to protect the building's occupants and the occupants of a building leased for the use of a state agency by the commission. The state fire marshal and the Texas Facilities Commission must include the State Office of Risk Management in all communications regarding fire hazards.

DIGEST: SB 1105 would grant the state fire marshal authority over all state-owned buildings for fire safety purposes. Instead of inspecting only buildings owned or leased by the Texas Facilities Commission, the state fire marshal would be required to inspect buildings owned or leased by a state

agency.

For communications regarding fire hazards, the state fire marshal would be required to include the State office of Risk Management (SORM) and each state agency occupying or managing a building with an existing or threatened fire hazard.

This bill would rescind the Texas Facilities Commission's requirement to make and adopt a memorandum of understanding with the commissioner of insurance and SORM but would continue to require a memorandum of understanding between the commissioner of insurance and SORM.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS
SAY:**

SB 1105 would clarify the state fire marshal's authority on fire safety for state-owned buildings. This bill would prevent any confusion among state agencies as to which department had authority for purposes of fire safety.

**OPPONENTS
SAY:**

SB 1105 is unnecessary legislation because the state fire marshal's office currently may inspect any building owned or leased by an agency.