

BILL ANALYSIS

Senate Research Center
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S.B. 327
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas is one of only two states in the United States that have not enacted statewide fire codes to protect public safety.

The 71st Legislature authorized counties in Texas with populations of more than 250,000 to adopt fire codes for unincorporated areas. The 75th Legislature then authorized counties adjacent to those with populations of more than 250,000 to also adopt fire codes for unincorporated areas. Under these two provisions, only 82 of the state's 254 counties satisfy the criteria and may adopt fire codes, excluding more than two-thirds of Texas counties.

Currently, 172 Texas counties do not have the statutory authority to adopt and enforce fire codes. Without this authority, these counties lack a public safety tool that municipalities, emergency service districts, and other counties have to reduce the risk of fires and their consequences. The fire protection and regulation for these 172 counties stems solely from the state fire marshal's office.

Additionally, counties that cannot adopt and enforce fire codes cannot realize savings from lower insurance rates through codes and their enforcement.

All counties have the authority to establish an office of fire marshal. However, this office can only investigate and report on fires that cause property damage or injury and inspect structures for fire or safety hazards—it does not have permitting authority, and its inspection authority is more limited than what is allowed pursuant to a fire code.

S.B. 327 removes the existing population threshold to effectively give all Texas counties the authority to adopt and enforce local fire codes.

As proposed, S.B. 327 amends current law relating to the authority of a county to adopt a fire code.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 233.061(a), Local Government Code, by authorizing the commissioners court of a county to adopt a fire code and rules necessary to administer and enforce the fire code. Deletes existing text setting a population requirement of over 250,000 for a county to adopt a fire code.

SECTION 2. Effective date: upon passage or September 1, 2015.