

- SUBJECT:** Authorizing all counties to adopt a fire code
- COMMITTEE:** County Affairs — favorable, without amendment
- VOTE:** 6 ayes — Coleman, Farias, Romero, Spitzer, Tinderholt, Wu
- 2 nays — Burrows, Schubert
- 1 absent — Stickland
- WITNESSES:** For — Jim Allison, County Judges and Commissioners Association of Texas; David Mintz, Texas Apartment Association; Donald Lee, Texas Conference of Urban Counties; (*Registered, but did not testify:* Jimmy Chew, City of Stephenville; Craig Pardue, Dallas County; Charles Reed, Dallas County Commissioners Court; Donna Warndof, Harris County; Scott Kerwood, Hutto Fire Rescue (Williamson County Emergency Services District #3); Mark Heinrich, Lubbock County; Don Allred, Oldham County, the Texas Association of Counties; Rick Thompson, Texas Association of Counties; Steven Garza, Texas Association of Realtors; Randy Cain, Texas Fire Chiefs Association; Betty Wilkes, Texas Fire Chiefs Association; David Weinberg, Texas League of Conservation Voters; David Lancaster, Texas Society of Architects; Conrad John, Travis County Commissioners Court; Clarence Clark)
- Against — Joe Daughtry, Texas Fireworks Association; Eric Glenn, Texas Pyrotechnic Association; (*Registered, but did not testify:* Laramie Adams, Texas and Southwestern Cattle Raisers Association; Marissa Patton, Texas Farm Bureau; Roy Callais)
- BACKGROUND:** Local Government Code, sec. 233.061(a) allows the commissioners court of a county with a population of more than 250,000 or a county adjacent to a county with a population of more than 250,000 to adopt a fire code and rules necessary to administer and enforce the fire code.
- DIGEST:** HB 684 would allow the commissioners court of any county to adopt a fire code and rules necessary to administer and enforce the fire code.

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:**

HB 684 would provide more counties with the authority to adopt a fire code if the county concluded it was necessary. Smaller counties currently are prohibited from adopting a fire code, and the bill would eliminate this exclusion.

There are 254 counties in Texas, and by some estimates current law prohibits about 172 of them from developing their own fire code. This bill would benefit smaller counties that were becoming more populous and wanted to establish a fire code for the safety of their residents.

Fire codes are the first line of defense in fire safety. This bill would be a step toward preventing another disaster like the fertilizer plant explosion in West, Texas. Less populated counties in rural areas might not have a fully dedicated fire department and have to rely on volunteer firefighters or fire departments from neighboring areas. Allowing all counties to adopt fire codes would be an effective way to help prevent fires and save lives.

The bill would not create a burden on fireworks vendors or other entities. While more counties could adopt fire codes, the codes would have to conform to standards provided in the International Fire Code and the Uniform Fire Code, as required by Local Government Code, sec. 233.062(c). Both the International Fire Code and the Uniform Fire Code are widely known regulatory standards for fire safety.

**OPPONENTS
SAY:**

HB 684 should provide consideration for businesses that already abide by certain state standards, such as fireworks vendors. Fireworks vendors are temporary businesses that operate only 24 days of the year and must adhere to certain state requirements and inspections. An exception should be made for these vendors that already have passed rigorous state standards.

Giving counties discretion to develop these codes could result in standards

that were excessively stringent. Under Local Government Code, sec. 233.062(c)(2), counties that adopt their own fire codes may exceed standards set by the International Fire Code and the Uniform Fire Code. Allowing more counties to adopt strict fire codes could become a burden for these vendors.

The bill also should make exceptions for private operators of smaller agricultural businesses. The county might adopt fire codes applicable to large industrial farms and plants that handle explosive substances, but smaller agricultural businesses could be burdened by having to adhere to these high standards.

HB 684 should require that counties seek professional assistance from knowledgeable experts in fire safety to adopt or amend fire codes. Such a requirement would ensure that the codes were practical and fair for interested parties.

OTHER
OPPONENTS
SAY:

Instead of authorizing counties to develop their own standards, Texas should develop a statewide fire code. Most other states have a statewide fire code for commercial establishments and multifamily dwellings. The state should adopt centralized standards to prevent and prepare for fire-related challenges.

NOTES:

The Senate companion bill, SB 327 by Hinojosa, was scheduled for public hearing today in the Senate Intergovernmental Relations Committee.