

BILL ANALYSIS

H.B. 2741
By: Minjarez
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that, while state law provides counties with the authority to apply municipal fire code regulations to buildings located in the unincorporated areas of the county, concerns remain regarding the authority for the county to apply these regulations to structures that are owned or leased by a county. H.B. 2741 seeks to address this issue by authorizing certain county fire marshals to conduct inspections required by municipalities for a building wholly owned or wholly leased by the county.

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

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2741 amends the Local Government Code to require a county fire marshal for a county with a population of more than 1.5 million in which more than 75 percent of the population lives in a single municipality to conduct each inspection required by a municipality, including an inspection for building or fire code compliance, for a building wholly owned or wholly leased by the county. The bill authorizes the marshal, through a memorandum of understanding, to delegate the inspection authority to the municipality requiring the inspection. The bill includes among the buildings to which the fire code applies a building that is wholly owned, wholly leased, or subject to an agreement to be wholly leased by such a county, regardless of whether the building is located in an incorporated area or unincorporated area of the county.

H.B. 2741 requires a county fire marshal to conduct a biennial inspection for fire or life safety hazards of each such building and sets out requirements for the county, the marshal, and the building owner for correcting such a hazard determined by the marshal to be present in such a building. The bill authorizes the marshal to conduct further such inspections and take necessary inspection enforcement actions and requires the marshal to adopt inspection guidelines. The bill authorizes the commissioners court of such a county by order to authorize the marshal to charge an inspection fee to a county-leased building owner in a reasonable amount determined by the commissioners court to cover the inspection cost.

EFFECTIVE DATE

September 1, 2019.