

SUBJECT: Regulating explosives in certain counties

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 7 ayes — R. Lewis, Kamel, Bonnen, Christian, Denny, Gutierrez, G. Lewis
0 nays
2 absent — Chisum, Flores

SENATE VOTE: On final passage, April 14 — 30-0

WITNESSES: For — Carl L. Mixon, Bexar County Commissioners Court
Against — None

BACKGROUND : Counties with a population of 2 million or more (Harris County) are authorized to regulate explosives, defined as dynamite, more than 50 pounds of black powder or smokeless powder, detonators, safety fuses, blasting agents, and ignitor cord. The county sheriff is charged with proposing rules to the county commissioners court for regulating the production, distribution, transport, transfer, use and possession of an explosive in the county; issue permits; and enforce safety standards concerning the manufacture, transportation, transfer, use, handling and storage of explosives. The rules must conform to published industry standards.

Cities can regulate the use of explosives through city ordinances; the city fire marshall administers these regulations.

DIGEST: CSSB 489 would allow counties with populations of 1 million or more to regulate explosives in their area, and would shift regulatory responsibility from the county sheriff to the county fire marshal.

The bill would take effect September 1, 1997.

**SUPPORTERS
SAY:**

CSSB 489 would allow Dallas, Tarrant, and Bexar counties to regulate explosives within their boundaries much as cities already do and in the same manner now practiced in Harris County. As the populations of these counties have grown, more and more people are living outside the city limits, unprotected by city ordinances from the effects of explosives used to clear property for further development. Large detonations can cause severe structural and plumbing damage to nearby residences as well as send flying debris into neighboring yards. The authority to regulate explosives would allow counties to limit the size of the explosion and require use of control measures, including notifying surrounding neighbors of an impending blast.

The bill would properly shift responsibility for county regulation of explosives to county fire marshals. They are better suited for the job because of their knowledge and expertise gained through administering the Uniform Fire Code. Most of the standard regulations concerning the use of explosives are taken from the code.

City fire marshals supervise explosives within city limits. It only makes sense for county fire marshalls to supervise explosives within county limits.

**OPPONENTS
SAY:**

CSSB 489 should not be limited only to counties with populations of 1 million. Travis and Williamson counties, for example, are experiencing rapid growth, and their rocky soil requires considerable blasting for proper excavation. This bill should be amended to permit any county commissioners court to provide for regulating the use of explosive within its boundaries.

NOTES:

The committee substitute transferred the authority to regulate explosives from the sheriff to the county fire marshal.