

BILL ANALYSIS

Senate Research Center
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S.B. 1995
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

With residential insurance premiums skyrocketing due to Texas being prone to natural disasters, it is evident that updating building codes and eliminating confusion between building codes will ensure that properties are built to greater standards.

This bill seeks to update the state municipal residential building code to that of the International Residential Code and the National Electric Code as they existed on May 1, 2008. The bill also clarifies prevalence of building codes adopted by state statute to eliminate confusion and conflicts and specifically focuses on counties with a population of 25,000 or more any part of which is located within 100 miles of the Gulf of Mexico.

As proposed, S.B. 1995 amends current law relating to the adoption of uniform residential building codes by political subdivisions.

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 Sections 214.212(a) and (d), Local Government Code, as follows:

(a) Provides that to protect the public health, safety, and welfare, the International Residential Code, as it existed on May 1, 2008, rather than 2001, is adopted as a municipal residential building code in this state.

(d) Authorizes a municipality to review and consider amendments made by the International Code Council to the International Residential Code after May 1, 2008, rather than 2001.

SECTION 2. Amends Section 214.214(a), Local Government Code, as follows:

(a) Provides that except as provided by Subsection (c) (relating to the National Electrical Code's application to all commercial buildings in certain municipalities), the National Electrical Code, as it existed on May 1, 2008, rather than 2001, is adopted as the municipal electrical construction code in this state and applies to all residential and commercial electrical construction applications.

SECTION 3. Amends Sections 214.216(a) and (d), Local Government Code, as follows:

(a) Provides that to protect the public health, safety, and welfare, the International Building Code, as it existed on May 1, 2008, rather than 2003, is adopted as a municipal commercial building code in this state.

(d) Authorizes a municipality to review and consider amendments made by the International Code Council to the International Building Code after May 1, 2008, rather than 2003.

SECTION 4. Amends Subchapter G, Chapter 214, Local Government Code, by adding Section 214.217, as follows:

Sec. 214.217. CONFLICTS WITH OTHER BUILDING CODES. Provides that a building-related code adopted by state statute, including the energy code adopted by Chapter 388 (Texas Building Energy Performance Standards), Health and Safety Code, prevails to the extent of any conflict with an ordinance, including a local amendment to a code, adopted under this subchapter.

SECTION 5. Amends Chapter 233, Local Government Code, by adding Subchapter E, as follows:

SUBCHAPTER E. BUILDING CODES IN CERTAIN COUNTIES

Sec. 233.151. APPLICABILITY. Provides that this subchapter applies only to a county with a population of 25,000 or more any part of which is located within 100 miles of the Gulf of Mexico.

Sec. 233.152. DEFINITIONS. Defines "International Residential Code," "National Electrical Code," and "residential."

Sec. 233.153. INTERNATIONAL RESIDENTIAL CODE. (a) Requires each county subject to this subchapter, to protect the public health, safety, and welfare, to, by order adopt the International Residential code, as it existed on May 1, 2008, as a residential building code in the unincorporated area of the county.

(b) Provides that the International Residential Code applies to all construction, alteration, remodeling, enlargement, and repair of residential structures in the unincorporated area of the county.

(c) Authorizes the county to establish procedures to adopt local amendments to the International Residential Code and for the administration and enforcement of the International Residential Code.

(d) Authorizes the county to review and consider amendments made by the International Code Council to the International Residential Code after May 1, 2008.

Sec. 233.154. EXCEPTIONS. (a) Provides that the International Residential Code does not apply to the installation and maintenance of electrical wiring and related components.

(b) Provides that a county subject to this subchapter is not required to review and consider adoption of amendments to the International Residential Code regarding electrical provisions.

Sec. 233.155. NATIONAL ELECTRICAL CODE. Requires each county subject to this subchapter by order to adopt the National Electrical Code, as it existed on May 1, 2008, as the county electrical construction code for residential structures.

(b) Provides that the National Electrical Code applies to all residential construction applications under this subchapter.

(c) Authorizes the county to establish procedures to adopt local amendments to the National Electrical Code and procedures for the administration and enforcement of the National Electrical Code.

Sec. 233.156. CONFLICTS WITH OTHER BUILDING CODES. Provides that to the extent of any conflict with an order adopted under this subchapter a municipal ordinance prevails within the municipality's jurisdiction, and a building-related code adopted by state statute, including the energy code adopted by Chapter 388, Health and Safety Code, prevails.

Sec. 233.157. EXISTING COUNTY AUTHORITY UNAFFECTED. Provides that the authority granted by this subchapter does not affect the authority of the commissioners court of a county to adopt an order or ordinance under other law.

SECTION 6. Requires each county subject to Subchapter E, Chapter 233, Local Government Code, as added by this Act, before January 1, 2010, to take actions necessary to implement that subchapter.

SECTION 7. Effective date: September 1, 2009.