

BILL ANALYSIS

Senate Research Center
81R21605 JAM-D

C.S.H.B. 2763
By: Kuempel (Elife)
Education
5/8/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 46.008(b) (relating to inspection requirements for certain buildings), Education Code, authorizes the Texas Education Agency to inspect relocatable educational facilities. Currently, the Texas Department of Licensing and Regulation has regulatory authority over industrialized buildings, including relocatable educational facilities.

This bill repeals Section 46.008(b), Education Code, and gives express authority for the inspection of relocatable educational facilities to the Texas Department of Licensing and Regulation. In addition, this bill makes changes to sections of the Occupations Code governing regulation of industrialized buildings to make the Occupations Code more consistent with mandatory building codes adopted under the statute.

C.S.H.B. 2763 amends current law relating to the regulation of industrialized housing and buildings.

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 1202.002(c), Occupations Code, to provide that industrialized housing does not include a residential structure that exceeds three stories or 49 feet in height, rather than a residential structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof.

SECTION 2. Amends Section 1202.003(d), Occupations Code, to make a conforming change.

SECTION 3. Amends Subchapter A, Chapter 1202, Occupations Code, by adding Section 1202.004, as follows:

Sec. 1202.004. RELOCATABLE EDUCATIONAL FACILITIES. (a) Defines "relocatable educational facility."

(b) Requires a relocatable educational facility that is purchased or leased on or after January 1, 2010, to comply with all provisions applicable to industrialized buildings under this chapter.

SECTION 4. Amends Section 1202.1535(b), Occupations Code, as follows:

(b) Requires the owner of an industrialized building designed to be transported from one commercial site to another that bears an approved decal or insignia indicating the building complies with the mandatory building codes and that is modified or altered after the date the Texas Industrialized Building Code Council (council) adopts a new mandatory building code or the council approves a building code amendment to ensure that the modified or altered building complies with the requirements and standards of the new building code or amendment to the extent required by the most recent edition of the International Existing Building Code adopted by the council. Deletes existing Subdivisions (1) (relating to requiring that the entire building comply with the mandatory

building code or building code amendment under certain circumstances) and (2) (relating to requiring that the modified or altered portion of the building comply with the mandatory building code or building code amendment under certain circumstances).

SECTION 5. Repealer: Section 46.008(b) (relating to inspection requirements for certain buildings), Education Code.

SECTION 6. (a) Effective date, except as provided by Subsection (b) of this section: September 1, 2009.

(b) Effective date, Section 5 of this Act: December 31, 2009.