

BILL ANALYSIS

H.B. 1205
By: Martinez
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are currently many situations in Texas where an emergency services district has used its statutory authority to adopt and enforce a fire code within its territory. In some of these territories, the county fire marshal has chosen to continue enforcement of the county fire code, resulting in an area being subject to two fire codes and double permit fees being charged to developers. H.B. 1205 seeks to address this issue by exempting from a county fire code an area that is located in a certain county and that is subject to a fire code adopted and enforced by a municipality or emergency services district.

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. 1205 amends the Local Government Code to exempt from a county fire code an area that is located in a county with a population of more than 1.1 million and less than two million and that is subject to the following:

- a fire code adopted and enforced by a municipality or emergency services district; or
- an interlocal agreement between the county and a municipality or emergency services district for the county to not enforce the county fire code.

In this exempt area, the county fire marshal is prohibited from enforcing the county's fire code, performing fire and arson investigations, and conducting fire or life safety hazard inspections or plan reviews.

EFFECTIVE DATE

September 1, 2023.