

## **BILL ANALYSIS**

C.S.H.B. 1701  
By: Flores  
Intergovernmental Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current state law allows for the commissioners courts of certain counties to adopt a fire code and rules necessary to administer and enforce their fire codes. The bill author has informed the committee that a county can enforce its fire code even if an emergency services district with overlapping jurisdiction has also adopted a fire code and that, in the event of conflict between the two codes, the more stringent of the two prevails. The bill author has also informed the committee that while a county has the statutory authority to contract with a municipality for the enforcement of the county's fire code, a county does not have similar authority to contract with an emergency services district for such enforcement. The bill author has further informed the committee that the lack of clarity in state law regarding contracting ability between a county and such a district regarding fire codes has resulted in some areas being subject to both a county fire code and a district fire code, resulting in developers being charged double permit fees. C.S.H.B. 1701 seeks to address these issues by providing greater flexibility with regard to how local entities assign responsibilities to administer and enforce fire codes.

### **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**

C.S.H.B. 1701 amends the Local Government Code to replace the authorization for the commissioners court of a county that adopts a fire code, or any municipality in the county, to contract with one another for the fire code's administration and enforcement with an authorization for such a commissioners court to contract with a municipality located in the county or an emergency services district located in the county for such administration and enforcement. The bill authorizes an emergency services district that has adopted a fire code and that is located in a county to enter into an interlocal agreement with the county to delegate to the district all or part of the county's authority to enforce the county's fire code. The bill requires the county fire marshal to delegate that administration and enforcement to the municipality or district in accordance with the contract.

### **EFFECTIVE DATE**

September 1, 2025.

## **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 1701 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

With respect to the bill's authorization for the commissioners court of a county that adopts a fire code to contract with an emergency services district located in the county for the fire code's administration and enforcement, the introduced specified that such a district be located wholly in the county, whereas the substitute does not include that specification. The substitute includes a provision that was not in the introduced authorizing an emergency services district that has adopted a fire code and that is located in a county to enter into an interlocal agreement with the county to delegate to the district all or part of the county's authority to enforce the county's fire code.