

## **BILL ANALYSIS**

Senate Research Center

H.B. 708  
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Intergovernmental Relations  
4-29-97  
Committee Report (Amended)

### **DIGEST**

Currently, Texas law allows county or public health districts to require fees, not to exceed \$150, for issuing or renewing permits. For counties like Harris County, costs can reach up to \$350 to inspect high-risk establishments. However, the Texas Department of Health can recover at least 50 percent of its costs on fees charged for permits and inspections. Additionally, there is no cap on the fee structure. Municipalities also have a relatively broad authority to set fees. H.B. 708 would allow county or public health districts in a county, with a population of at least 2.8 million, to require a fee for inspections. The fee would allow the county or public health district to recover at least 50 percent of its annual expenditures for reviewing and acting on permits, amending and renewing permits, and conducting inspections.

### **PURPOSE**

As proposed, H.B. 708 outlines provisions regarding certain county and public health district fees.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 437, Health and Safety Code, by adding Section 437.0123, as follows:

Sec. 437.0123. COUNTY AND PUBLIC HEALTH DISTRICT FEES IN CERTAIN POPULOUS COUNTIES. Authorizes a county that has a population of at least 2.8 million or a public health district (district) at least part of which is in a county that has a population of at least 2.8 million to require the payment of a fee for issuing or renewing a permit or for performing an inspection to enforce this chapter or a rule adopted under this chapter. Requires a county or district that requires payment of a fee under Subsection (a) to set the fee in an amount that allows the county or district to recover at least 50 percent of the annual expenditures by the county or district. Prohibits the fee charged by a county or district from exceeding the highest fee charged by a municipality in the county or district or \$300, whichever amount is less, notwithstanding Subsection (b). Requires fees collected under this chapter to be deposited to the credit of a special fund of the county. Requires fees collected by a district under this chapter to be deposited to the credit of a special fund created by the cooperative agreement under which the district operates. Authorizes fees deposited as provided by this section to be spent only for a purpose described by Subsection (b).

SECTION 2. Amends Section 437.012, Health and Safety Code, by adding Subsection (e), to provide that this section does not apply to a county or district covered by Section 437.0123.

SECTION 3. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 4. Emergency clause.

**SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

Page 1, line 23, amends text to add "or \$300, whichever amount is less" after "district."