

BILL ANALYSIS

Senate Research Center

H.B. 1952
By: Truitt (Brimer)
Intergovernmental Relations
5/10/2003
Engrossed

DIGEST AND PURPOSE

Currently, counties are responsible for the inspection and enforcement of state health regulations for public swimming pools within unincorporated areas. However, there are no provisions for county permitting of public pool construction, operation, and maintenance, or for sanctions against violators of health and safety regulations and standards. H.B. 1952 allows counties to establish permitting and inspection requirements. The bill also provides civil and criminal penalties and injunctive relief for violations of the permitting and inspection requirements.

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 341.064, Health and Safety Code, by adding Subsections (n) and (o), as follows:

(n) Authorizes a county or municipality to: require that the owner or operator of a public swimming pool within the jurisdiction of the county or municipality obtain a permit for operation of the pool; inspect a public swimming pool within the jurisdiction of the county or municipality for compliance with this section; and impose and collect a reasonable fee in connection with a permit or inspection required under this subsection provided certain conditions are met.

(o) Authorizes a county or municipality to by order close, for the period specified in the order, a swimming pool within the jurisdiction of the county or municipality if the operation of the pool violates this section or a permitting or inspection requirement imposed by the county or municipality under Subsection (n).

SECTION 2. Amends Section 341.091(a), Health and Safety Code, to provide that a person commits an offense if the person violates a permitting or inspection requirement imposed under Section 341.064(n) or a closure order issued under Section 341.064(o).

SECTION 3. Amends Sections 341.092(b), (d), and (h), Health and Safety Code, as follows:

(b) Requires that a person who violates a permitting or inspection requirement imposed under Section 341.064(n) or a closure order issued under Section 341.064(o) be assessed a civil penalty. Prohibits a civil penalty under this section from being less than \$10 or more than \$200 for each violation and for each day of a continuing violation.

(d) Makes conforming changes.

(h) Makes conforming changes.

SECTION 4. Makes application of the amendments to Section 341.091, Health and Safety Code,

made by this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2003.