

BILL ANALYSIS

Senate Research Center

H.B. 2755
By: Price et al. (Alvarado)
Intergovernmental Relations
5/3/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

While some county health departments and public health districts receive grants from the Department of State Health Services for specific programs, such as community health or clinical services, the majority of the funding received for environmental health services is derived from permit fees, license fees and/or the general fund (GF) allocations provided by counties and/or cities to the departments or districts.

As GF allocations are reduced or eliminated, departments and districts are increasingly reliant on the permit/license fees they collect in order to perform essential environmental health services.

The current statutorily set permit/license fee limits have severely limited the ability of departments to keep pace with the cost in delivering essential environmental health services.

H.B. 2755 seeks to address these concerns by removing statutorily set fees and replacing them with language providing that the fees may not exceed the amount necessary to recover the cost of providing the service.

H.B. 2755 amends current law relating to certain county and public health district fees.

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 437.012(b), Health and Safety Code, to prohibit the fee charged by a county or public health district for issuing or renewing a permit from exceeding the amount necessary to recover the county's or district's cost under Subsection (d), rather than prohibiting the fee charged by a county or public health district for issuing or renewing a permit, except as provided by Subsection (f) (relating to authorizing a county or public health district, by rule or order, to adopt a variable scale to determine the fee charged for a permit), from exceeding \$150.

SECTION 2. Amends Section 437.0123(b), Health and Safety Code, as follows:

(b) Requires a county or public health district that requires payment of a fee under Subsection (a) (relating to authorizing a county or public health district that has a certain population to require the payment of a fee for issuing or renewing a permit or for performing an inspection) to set the fee in an amount that does not exceed the amount necessary to recover the annual expenditures by the county or district for, rather than 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 for:

(1) makes no changes to this subdivision;

(2)–(3) makes nonsubstantive changes to these subdivisions; and

(4) otherwise administering this chapter (Regulation of Food Service Establishments, Retail Food Stores, Mobile Food Units, and Roadside Food Vendors).

SECTION 3. Amends Chapter 437, Health and Safety Code, by adding Section 437.0124, as follows:

Sec. 437.0124. COUNTY AND PUBLIC HEALTH DISTRICT FEE SCHEDULE. Requires a county or public health district to establish a fee schedule for any fees collected under this chapter and revise the fee schedule as necessary.

SECTION 4. Repealers: Sections 437.012(g) (relating to prohibiting a certain fee from exceeding \$300) and (h) (relating to prohibiting a certain fee charged to a child care facility from exceeding \$150), Health and Safety Code.

Repealer: Section 437.0123(c) (relating to prohibiting a certain fee charged by a county or public health district from exceeding the highest fee charged by a municipality in the county or public health district or \$300), Health and Safety Code.

SECTION 5. Effective date: September 1, 2019.