

BILL ANALYSIS

C.S.H.B. 1952
By: Truitt
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, counties are responsible for the inspection and enforcement of state health regulations for public pools in their jurisdiction's unincorporated areas. There are, however, no provisions for county permitting of public and semi-private swimming pool construction, operation and maintenance to prevent violations of regulations and standards, or for the collection of a fee to offset the cost of inspections. With no specific permit required in unincorporated areas, public and semi-private pools may be constructed and operated at a risk to public health and safety without any knowledge of their existence by county health authorities. C.S.H.B 1952 authorizes a county or municipality to establish permitting and inspection requirements, as well as the ability to assess a fee for the permits, and provides civil and criminal penalties as well as injunctive relief for violations of such requirements.

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

The bill amends the Health and Safety Code to authorize a county or municipality to require a permit for the operation of a public swimming pool that is within its jurisdiction, to inspect the public pool to ensure it is code compliant, and assess a reasonable fee in connection with the permit or inspection. The bill authorizes a county or municipality to close any public pool that is not code compliant within its jurisdiction for a specified period of time. The bill specifies that a person commits a criminal offense if they are not compliant with permitting requirements, inspection requirements, or closure orders. The bill provides a penalty for any person that is not compliant with permitting requirements, inspection requirements, or closure orders. The bill authorizes the imposing of a civil suit if permitting requirements, inspection requirements, or closure orders are or may be violated. The bill requires a court to provide an injunction for the violation or threat of violation of a permitting requirement, inspection requirement, or closure order. The bill provides that the language of this Act will only apply to an offense committed on or after the effective date of this Act.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1952 differs from the original in that it adds language to authorize a county or municipality to assess a reasonable fee in connection with the permit or inspection.