

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 7, 2003

TO: Honorable Frank Madla, Chair, Senate Committee on Intergovernmental Relations

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1952 by Truitt (Relating to local regulation of public swimming pools.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to allow a county or municipality to regulate public swimming pools, including issuing permits, conducting inspections, and making closures when appropriate; a county or municipality could also impose and collect a fee related to permits and inspections. Fees may be imposed only if the county auditor reviews the program every two years to ensure that the fees imposed do not exceed the cost of the program and if the county refunds to the permit holder any revenue determined by the auditor to exceed the cost of the program. Violations of the permitting rules or closures would result in a civil penalty between \$10 and \$200 for each violation and for each day of a continuing violation.

The bill would take effect immediately if it receives a two-thirds vote in each house; otherwise, it would take effect September 1, 2003. The revised statute would apply only to violations that occur on or after the effective date.

Under current statute, there is no authority for the county or municipality to issue a permit, and therefore little ability to enforce state safety regulations and no ability to charge fees. By issuing permits and charging a permit fee, enforcement costs would be offset and the regulating entity would not have to necessarily incur the cost to file a lawsuit in order to obtain compliance with rules and regulations. Officials in various municipalities and counties responded that the fiscal impact would not be significant. A review every two years by the county auditor is not expected to have a significant fiscal impact.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, EB, DLBa