

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 15, 2005

TO: Honorable Ray Allen, Chair, House Committee on County Affairs

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1598 by Jackson, Jim (Relating to administrative penalties for violations of health and safety provisions relating to retail food service.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would authorize a county or public health district to impose administrative penalties consistent with Section 437.018, Health and Safety Code, on food service establishments, retail food stores, mobile food units, and roadside food vendors. The bill would take effect September 1, 2005.

Section 437.018 sets forth the procedures for imposing administrative penalties and authorizes imposition of a penalty of no more than \$10,000 per violation. Money from penalties imposed are remitted to the Comptroller of Public Accounts for deposit into the state's General Revenue Fund.

The state would experience a revenue gain for any administrative penalties imposed and collected by a county or a public health district, up to \$10,000 per violation. The revenue gain would depend on the number of counties and public health districts that choose to exercise the option of imposing penalties, the number of violations cited, and the number of appeals filed by the food services the local entity would win in court.

Local Government Impact

While current statute authorizes a county or public health district to enforce state law and rules concerning the food services listed, it does not currently authorize those local entities to impose administrative penalties. If a county or public health district were to impose administrative penalties, the local entity would incur administrative costs, particularly if the food service were to appeal the decision to impose a penalty.

Source Agencies:

LBB Staff: JOB, DLBa