

BILL ANALYSIS

Senate Research Center
80R7812 JTS-F

H.B. 2285
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Health & Human Services
5/17/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 78th Legislature, H.B. 2292 mandated that licenses for radioactive materials and registrations of radiation producing machines issued by the Department of State Health Services (DSHS) be renewed every two years. Prior to this, the fee for radioactive materials licenses and x-ray and laser registrations was not tied to the permit renewals. The renewals were for periods of eight to 10 years, and the fees were annual fees that reflected actual costs of the program.

Tying the permit fee to the expiration date of the permit on a two-year renewal has resulted in an unintended burden on the licensees and registrants, and has led to some licensees and registrants not paying the fee on time resulting in the permit expiring and causing them to cease operations until a new permit can be issued. Permit renewals require submission of detailed facility operating and emergency procedures and detailed drawings of facilities and equipment changes since the last permit renewal.

Under H.B. 2285, DSHS will continue to collect full cost recovery fees on a staggered two-year interval, but the permit expiration will be an eight to 10 year interval. This will be compatible with other state and federal radiation regulatory programs.

H.B. 2285 exempts a license registration from licensing fees relating to license renewals.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services (DSHS), as the successor agency to TDH.]

SECTION 1. Amends Section 12.0111(d), Health and Safety Code, to provide that this section does not apply to a license or registration under Chapter 401 (Radioactive Materials and Other Sources of Radiation).

SECTION 2. Amends Section 12.0112(b), Health and Safety Code, to provide that this section does not apply to a license or registration under Chapter 401.

SECTION 3. Amends Sections 401.301(c) and (d), Health and Safety Code, as follows:

(c) Deletes existing text authorizing the Texas Department of Health to collect a fee, in addition to the annual license and registration fee, of not less than 20 percent of the amount of the annual license and registration fee nor more than \$10,000 per annum from each licensee or registrant who fails to pay the fees authorized by this section.

(d) Makes conforming changes.

SECTION 4. Effective date: September 1, 2007.