

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Chisum

H.B. No. 2285

A BILL TO BE ENTITLED

AN ACT

relating to the renewal period for a license or registration related to radioactive materials and other sources of radiation issued by the Department of State Health Services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.0111(d), Health and Safety Code, is amended to read as follows:

(d) This section does not apply to:

(1) a person regulated under Chapter 773; or

(2) a license or registration under Chapter 401.

SECTION 2. Section 12.0112(b), Health and Safety Code, is amended to read as follows:

(b) This section does not apply to a license issued for:

(1) a youth camp under Chapter 141; or

(2) a license or registration under Chapter 401.

SECTION 3. Sections 401.301(c) and (d), Health and Safety Code, are amended to read as follows:

(c) The department may 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) The department may require that each person who holds a specific license issued by the department ~~[annually]~~ pay to the

1 department an additional five percent of the appropriate [~~annual~~]  
2 fee set under Subsection (b). Fees collected under this subsection  
3 shall be deposited to the credit of the perpetual care account. The  
4 fees are not refundable.

5 SECTION 4. This Act takes effect September 1, 2007.

ADOPTED

MAY 22 2007

FLOOR AMENDMENT NO. 1

*Leta Spaw*  
Secretary of the Senate

BY: *Lehman*

Amend H.B. No. 2285 (Senate committee printing) as follows:

(1) Strike the recital to SECTION 3 of the bill (page 1, lines 22-23) and substitute:

SECTION 3. Section 401.301, Health and Safety Code, is amended by amending Subsections (c) and (d) and adding Subsection (f) to read as follows:

(2) In SECTION 3 of the bill, following amended Subsection (d), Section 401.301, Health and Safety Code (page 1, between lines 34 and 35), insert:

(f) Notwithstanding any other provision of this section, the department may not assess a fee on a local law enforcement agency for the licensing and registration of an X-ray machine that is used to screen packages or other objects the agency suspects may contain an explosive or other item that would pose a danger to the public health and safety. Except as otherwise provided by this subsection, a local law enforcement agency is subject to the licensing and registration requirements of this chapter.

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. The changes in law made by this Act to Section 401.301, Health and Safety Code, apply to the licensing and registration of an X-ray machine on or after the effective date of this Act. The licensing and registration of an X-ray machine before the effective date of this Act is covered by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 16, 2007**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

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

**IN RE: HB2285** by Chisum (Relating to the renewal period for a license or registration related to radioactive materials and other sources of radiation issued by the Department of State Health Services.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Health and Safety Code to exempt licenses or registrations under Chapter 401 from: 1) the license fees requirements in Chapter 12 and 2) the two-year terms required for a license issued by the Department of State Health Services (DSHS).

The bill also deletes references to an annual fee in Section 401.301(c) and (d).

Although the bill allows the licenses and registrations to have terms longer than two years, DSHS reports that fees sufficient to cover the direct and indirect costs of the program will still be collected under Chapter 401.301 every two years. Thus, DSHS estimates that there would not be a change in the fee amounts, but that there would be costs for database modifications. This cost estimate assumes that DSHS could implement the provisions of the bill within existing resources.

The bill would take effect September 1, 2007.

**Local Government Impact**

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

**Source Agencies:** 304 Comptroller of Public Accounts, 537 State Health Services, Department of  
**LBB Staff:** JOB, CL, PP, SJ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 6, 2007**

**TO:** Honorable Dianne White Delisi, Chair, House Committee on Public Health

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

**IN RE: HB2285** by Chisum (Relating to the renewal period for a license or registration related to radioactive materials and other sources of radiation issued by the Department of State Health Services.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Health and Safety Code to exempt licenses or registrations under Chapter 401 from: 1) the license fees requirements in Chapter 12 and 2) the two-year terms required for a license issued by the Department of State Health Services (DSHS).

The bill also deletes references to an annual fee in Section 401.301(c) and (d).

Although the bill allows the licenses and registrations to have terms longer than two years, DSHS reports that fees sufficient to cover the direct and indirect costs of the program will still be collected under Chapter 401.301 every two years. Thus, DSHS estimates that there would not be a change in the fee amounts, but that there would be costs for database modifications. This cost estimate assumes that DSHS could implement the provisions of the bill within existing resources.

The bill would take effect September 1, 2007.

**Local Government Impact**

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

**Source Agencies:** 304 Comptroller of Public Accounts, 537 State Health Services, Department of  
**LBB Staff:** JOB, CL, PP, SJ