

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: SB968 by West (Relating to interactive water features and fountains.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would add Section 341.0695 to the Health and Safety Code to authorize the Department of State Health Services (DSHS) to by rule adopt methods other than chlorination for the purpose of disinfecting interactive water features and fountains.

The new section of the code would also authorize a county, a municipality, or DSHS to require the owner or operator of an interactive water feature or fountain to obtain a permit for operation of the water feature or fountain. The county, municipality, or state would also be authorized to inspect the feature or fountain for compliance with health requirements set forth in the bill. The county, municipality, or DSHS would be authorized to impose and collect a fee to cover the costs of a permit and inspection if the auditor for the county or the municipality reviewed the program every two years to ensure the fees do not exceed related costs and if those entities refund to the permit holders any revenue determined by the auditor to exceed the cost of the program. Certain owners, managers, operators, or other attendants in charge of water parks would be exempt. Also exempt from the requirements of the new section would be a recreational water park that uses freshwater originating from a natural watercourse for recreational purposes and releases the freshwater back into the same natural watercourse.

Not later than the 30th day after the effective date of the bill, the executive commissioner of the Health and Human Services Commission would be required to adopt emergency rules as necessary to implement the Section 341.0695 proposed by the bill.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2009.

It is assumed that costs associated with implementing provisions of the bill can be absorbed within existing resources.

Local Government Impact

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

Source Agencies: 529 Health and Human Services Commission

LBB Staff: JOB, DB, SD, CL, TP