

By: Ogden

S.B. No. 1580

A BILL TO BE ENTITLED

AN ACT

relating to state fiscal matters related to health and human services and state agencies administering health and human services programs.

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

ARTICLE 1. FEES ASSESSED BY CERTAIN HEALTH AND HUMAN SERVICES

AGENCIES FOR LICENSING, REGISTRATION, AND OTHER SERVICES

SECTION 1.01. Section 12.0111, Health and Safety Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) Notwithstanding any other provision of law that places a limit on the amount of a fee that the department or a regulatory board or other agency under the jurisdiction of the department or administratively attached to the department may charge for issuing or renewing a license, the executive commissioner of the Health and Human Services Commission, on or after September 1, 2011, may adopt rules increasing fees for issuing or renewing a license by up to five percent above the amount assessed immediately before September 1, 2011.

(f) Subsection (e) expires on September 1, 2013, at which time fees for issuing or renewing a license shall revert to the amount assessed immediately before September 1, 2011.

SECTION 1.02. Section 12.032, Health and Safety Code, is amended by amending Subsection (c) and adding Subsections (f) and (g) to read as follows:

1 (c) A ~~[The amount of a]~~ fee charged for a public health
2 service must be set in an amount necessary to recover, at a minimum,
3 all costs ~~[may not exceed the cost]~~ to the department of
4 administering ~~[providing]~~ the service.

5 (f) Notwithstanding any other provision of law that places a
6 limit on the amount of a fee charged for a public health service,
7 the executive commissioner of the Health and Human Services
8 Commission, on or after September 1, 2011, may adopt rules
9 increasing fees for public health services administered by the
10 department by up to 12 percent above the amount assessed
11 immediately before September 1, 2011.

12 (g) Subsection (f) expires on September 1, 2013, at which
13 time fees for public health services administered by the department
14 shall revert to the amount assessed immediately before September 1,
15 2011.

16 SECTION 1.03. Section 42.054, Human Resources Code, is
17 amended by amending Subsections (a) through (e) and adding
18 Subsection (h) to read as follows:

19 (a) The department shall charge an applicant a
20 nonrefundable application fee of \$105 ~~[\$35]~~ for an initial license
21 to operate a child-care facility or a child-placing agency.

22 (b) The department shall charge each child-care facility a
23 fee of \$105 ~~[\$35]~~ for an initial license. The department shall
24 charge each child-placing agency a fee of \$150 ~~[\$50]~~ for an initial
25 license.

26 (c) The department shall charge each licensed child-care
27 facility an annual license fee in the amount of \$105 ~~[\$35]~~ plus \$3

1 ~~[\$1]~~ for each child the child-care facility is permitted to serve.
2 The fee is due on the date on which the department issues the
3 child-care facility's initial license and on the anniversary of
4 that date.

5 (d) The department shall charge each licensed child-placing
6 agency an annual license fee of \$300 ~~[\$100]~~. The fee is due on the
7 date on which the department issues the child-placing agency's
8 initial license and on the anniversary of that date.

9 (e) The department shall charge each family home that is
10 listed or registered with the department an annual fee to cover a
11 part of the department's cost in regulating family homes. The
12 amount of the fee is \$60 ~~[\$20]~~ for a listed home or \$105 ~~[\$35]~~ for a
13 registered home. The fee is due on the date on which the department
14 initially lists or registers the home and on the anniversary of that
15 date.

16 (h) On September 1, 2013, the fees described in Subsections
17 (a)-(e) shall revert to the amount assessed immediately before
18 September 1, 2011.

19 SECTION 1.04. Section 42.054, Human Resources Code, as
20 amended by this article, applies to an application filed with the
21 Department of Family and Protective Services, or an initial or
22 annual license fee assessed by the department, on or after the
23 effective date of this Act. An application filed or a licensing fee
24 assessed before that date is governed by the law in effect on the
25 date the application was filed or the licensing fee was assessed,
26 and the former law is continued in effect for that purpose.

1 ARTICLE 2. EFFECTIVE DATE

2 SECTION 2.01. This Act takes effect September 1, 2011.