

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 1, 2013

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB582 by Davis (Relating to swimming pool alarms and exit alarms for certain single-family homes; providing a civil penalty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code as it relates to swimming pool alarms and exit alarms for certain single-family homes and providing a civil penalty. Under the provisions of the bill, the Department of State Health Services (DSHS) would be required to adopt rules to implement the provisions of the bill and to post on the agency's internet website the requirements of the bill and any other swimming pool safety information deemed appropriate. The bill would create a new civil penalty not to exceed \$5,000 for each noncompliance with the bill. Under the provisions of the bill, the Office of the Attorney General (OAG) may sue to collect civil penalties and may recover reasonable expenses incurred in obtaining the civil penalty. The civil penalty provisions of the bill would take effect May 1, 2014. The other provisions of the bill would take effect on September 1, 2013. Based on the analysis provided by DSHS and the OAG, it is assumed that the provisions of the bill could be implemented within existing resources. Based on the analysis provided by the Comptroller of Public Accounts, there would be additional revenue collected from the civil penalty provisions, but that amount is not known. The additional revenue is assumed to be insignificant.

Local Government Impact

Local municipal governments that review plans for residential swimming pools and inspect residential swimming pool construction may incorporate the provisions of the bill into their code of ordinances. The bill does not provide local governments with inspection authority over the bill's requirements. It is assumed that the provisions of the bill could be implemented within existing local government resources.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts,
537 State Health Services, Department of

LBB Staff: UP, RB, CH, NB