

By: Frank

H.B. No. 3492

A BILL TO BE ENTITLED

AN ACT

relating to limiting the assessment of certain fees during declared states of disaster.

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

SECTION 1. Subchapter B, Chapter 418, Government Code, is amended by adding Section 418.0125 to read as follows:

Sec. 418.0125. LIMIT ON ASSESSMENT OF FEES. (a) If the governor issues an executive order, proclamation, or regulation during a declared state of disaster that restricts the operation of a business or nonprofit entity or a category of businesses, a business or nonprofit entity whose operation is restricted by the order, proclamation, or regulation may not be assessed any fee, including a licensing fee, by this state during the time the operation of the business or nonprofit entity is restricted by the order, proclamation, or regulation.

(b) If a business or nonprofit entity paid an annual fee or other fee in advance to this state for the business's or nonprofit entity's operations, the business or nonprofit entity is entitled to a pro rata refund of the fee for the period of time its operations were restricted by an executive order, proclamation, or regulation of the governor described by Subsection (a).

(c) A business or nonprofit entity may opt to have the amount of any refund due under this section credited toward a future fee requirement.

1 SECTION 2. Subchapter E, Chapter 418, Government Code, is  
2 amended by adding Section 418.1081 to read as follows:

3 Sec. 418.1081. LIMIT ON ASSESSMENT OF FEES DURING DECLARED  
4 LOCAL DISASTER. (a) If the presiding officer of the governing body  
5 of a political subdivision issues an order or proclamation during a  
6 declared local state of disaster that restricts the operation of a  
7 business or nonprofit entity or a category of businesses, a  
8 business or nonprofit entity whose operation is restricted by the  
9 order or proclamation may not be assessed any fee, including a  
10 permit fee, by the political subdivision during the time the  
11 operation of the business or nonprofit entity is restricted by the  
12 order or proclamation.

13 (b) If a business or nonprofit entity paid an annual fee or  
14 other fee in advance to a political subdivision for the business's  
15 or nonprofit entity's operations, the business or nonprofit entity  
16 is entitled to a pro rata refund of the fee for the period of time  
17 its operations were restricted by an order or proclamation of the  
18 political subdivision described by Subsection (a).

19 (c) A business or nonprofit entity may opt to have the  
20 amount of any refund due under this section credited toward a future  
21 fee requirement.

22 SECTION 3. This Act takes effect September 1, 2021.