

BILL ANALYSIS

Senate Research Center

H.B. 1124
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Intergovernmental Relations
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Engrossed

DIGEST

Currently, counties operate under the doctrine that the power to issue a license includes the power to impose license fees for issuing the license, unless otherwise denied in the applicable statute. However, recent attorney general opinions contradict the powers under which counties have historically operated. H.B. 1124 authorizes the commissioners court of a county to set a reasonable fee for issuing a license, permit, registration, or other similar form of permission authorized by a statute but for which a fee is not specifically prescribed by statute.

PURPOSE

As proposed, H.B. 1124 clarifies the fees not specifically prescribed by statute.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 118A, Local Government Code, by adding Section 118.003, as follows:

Sec118.003. FEES NOT SPECIFICALLY PRESCRIBED BY STATUTE. Authorizes the commissioners court of a county to set a reasonable fee for issuing a license, permit, or registration authorized by a statute but for which a fee is not specifically prescribed by statute. Prohibits the commissioners court from setting the fee in an amount that is greater than is necessary to recover the expenses of regulating the activity for which the license, permit, or registration is issued, in determining a reasonable fee.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.