

BILL ANALYSIS

C.S.S.B. 1566
By: Madla
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a mass gathering is defined as a gathering that is held outside the limits of a municipality and attracts or is expected to attract more than 5,000 persons who will remain in the meeting location for a period of more than five continuous hours. C.S.S.B. 1566 redefines mass gatherings to increase the number of circumstances for which a permit for a mass gathering must be obtained.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 751.002(1), Health and Safety Code, to redefine "mass gathering."

SECTION 2. Amends Section 751.004, Health and Safety Code, by adding Subsections ©), (d), (e), and (f), as follows:

- ©) Requires the application to also include the name and address, if known, of a performer who may appear at the mass gathering and has not yet agreed to appear as of the date of the filing of the application.
- (d) Prohibits a county judge from requiring a promoter to provide a copy of the agreement or contract described by Subsection (b)(9).
- (e) Requires the promoter, with the application required by this section, to submit a letter or permit from certain entities.
- (f) Requires the commissioners court, if there is no county fire marshal in the county, to designate a person to submit the documentation required by Subsection (e)(2).

SECTION 3. Amends Section 751.005, Health and Safety Code, to authorize a county judge to conduct any additional investigation that the judge considers necessary. Deletes existing text relating to investigations.

SECTION 4. Amends Section 751.007, Health and Safety Code, by amending Subsection (a) and adding Subsections ©) and (d), as follows:

- (a) Requires the county judge, not later than the fifth day after the date the permit application is received, rather than after the completion of the hearing, to enter a ruling, rather than finding, in the record and to either grant or deny the permit. Provides that a permit is considered granted if the judge fails to enter a ruling in the time required by this section.

©) Prohibits the county judge from denying a permit under Subsection (b)(5) if the promoter performs certain actions.

(d) Requires the county judge, if the county judge denies the permit, to state in the record the grounds for denying the permit.

SECTION 5. Amends Chapter 751, Health and Safety Code, by adding Section 751.0075, as follows:

Sec. 751.0075. DENIAL OF PERMIT; HEARING. (a) Authorizes the promoter, if the county judge denies the permit under Section 751.007, to request a hearing before the county judge on the application not later than the fifth day after the date the permit was denied. Requires the county judge to set the date and time of the hearing.

(b) Requires notice of the time and place of the hearing to be given to the promoter and to each person who has an interest in whether the permit is granted or denied.

©) Authorizes any person, at the hearing, to appear and testify for or against granting the permit.

(d) Requires the county judge, not later than the fifth day after the date the hearing is completed, to either grant the permit or affirm the denial of the permit.

SECTION 6. Amends Section 751.008, Health and Safety Code, by amending Subsection (a) and adding Subsection ©), as follows:

(a) Authorizes the county judge to revoke a permit issued under this chapter only if the county judge finds that the promoter has not complied with Section 751.007©)(2), if applicable.

©) Prohibits the county judge, if a performer scheduled to perform at the mass gatherings cancels the performance or does not perform, from revoking a permit issued under this chapter if the promoter exercised good faith in representing that the performer would appear at the mass gathering.

SECTION 7. Amends Subchapter A, Chapter 215, Local Government Code, by adding Section 215.005, as follows:

Sec. 215.005. PERMITS FOR CERTAIN FACILITIES. (a) Defines "facility."

(b) Authorizes a municipality that requires the owner or property manager of a facility located in the municipality to obtain a permit for an event held at a facility to establish standards for granting the permit, including standards relating to health and sanitation, general safety, traffic control, and medical and nursing care.

©) Provides that a permit that the owner or property manager is required to obtain is valid for one year after the date the permit is granted. Provides that the permit applies to all events that are similar to the event for which the permit was originally granted, and the permit holder is not required to repeat the permit application procedure for each of those similar events held at the facility.

(d) Authorizes a municipality to adopt rules for implementing this section.

SECTION 8. Amends Chapter 234, Local Government Code, by adding Subchapter C, as follows:

SUBCHAPTER C. PERMITS FOR CERTAIN FACILITIES

Sec. 234.051. PERMIT. (a) Defines "facility."

(b) Authorizes a county that requires the owner or property manager of a facility located in the unincorporated area of the county to obtain a permit for an event held at a facility to establish standards for granting the permit, including standards relating to health and sanitation, general safety, traffic control, and medical and nursing care.

©) Provides that a permit that the owner or property manager is required to obtain is valid for one year after the date the permit is granted. Provides that the permit applies to all events that are similar to the event for which the permit was originally granted, and the permit holder is not required to repeat the permit application procedure for each of those similar events held at the facility.

(d) Authorizes a county to adopt rules for implementing this subchapter.

SECTION 9. Repealer: Section 751.006 (Hearing), Health and Safety Code.

SECTION 10. Makes application of the changes in law made by this Act, prospective.

SECTION 11. Effective date: September 1, 2003.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute amends SECTION 2 of the original by adding a requirement for an actual inspection of the "Mass Gathering" site by the County Health Official, Fire Marshall, & Sheriff before signing a letter or permit to be included in the mass gathering permit application.

The substitute amends SECTION 4 & SECTION 5 of the original by changing any reference to "days" in the application process to "business days."

The substitute amends SECTION 7 of the original by adding a PENALTIES section, not included in the original bill and also the necessary conforming changes to the remainder of the bill sections.