

By: Pitts

H.B. No. 389

A BILL TO BE ENTITLED

AN ACT

relating to permit application and hearing procedures under the Texas Mass Gatherings Act; providing a penalty.

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

SECTION 1. The heading to Section 751.006, Health and Safety Code, is amended to read as follows:

Sec. 751.006. HEARING AND RULING OF COUNTY JUDGE.

SECTION 2. Section 751.006, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Not later than the 15th [~~10th~~] day after [~~before~~] the date on which a permit application is filed [~~mass gathering will begin~~], the county judge shall hold a hearing on the application and, at the completion of the hearing, enter a ruling in the record granting or denying the permit. The county judge shall set the date and time of the hearing.

(d) A permit is considered granted if the judge fails to enter a ruling in the time required by this section.

SECTION 3. The heading to Section 751.007, Health and Safety Code, is amended to read as follows:

Sec. 751.007. DENIAL OF PERMIT; CURE [~~FINDINGS AND DECISION OF COUNTY JUDGE~~].

SECTION 4. Section 751.007, Health and Safety Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

1 (c) The county judge shall state in the record the grounds
2 for denying the permit.

3 (d) The promoter may cure deficiencies stated as grounds for
4 denying the permit by addressing those deficiencies in a revised
5 application and filing it with the county judge not later than the
6 fifth day after the date on which the permit was denied.

7 (e) Not later than the third business day after the date on
8 which the revised application is filed, the judge shall enter a
9 ruling in the record granting or denying the permit.

10 SECTION 5. Section 751.004, Health and Safety Code, is
11 amended by amending Subsection (b) and adding Subsection (c) to
12 read as follows:

13 (b) The application must include:

14 (1) the promoter's name and address;

15 (2) a financial statement that reflects the funds
16 being supplied to finance the mass gathering and each person
17 supplying the funds;

18 (3) the name and address of the owner of the property
19 on which the mass gathering will be held;

20 (4) a certified copy of the agreement between the
21 promoter and the property owner;

22 (5) the location and a description of the property on
23 which the mass gathering will be held;

24 (6) the dates and times that the mass gathering will be
25 held;

26 (7) the maximum number of persons the promoter will
27 allow to attend the mass gathering and the plan the promoter intends

1 to use to limit attendance to that number;

2 (8) the name and address of each performer who has
3 agreed to appear at the mass gathering and the name and address of
4 each performer's agent;

5 (9) a description of each agreement between the
6 promoter and a performer;

7 (10) a description of each step the promoter has taken
8 to ensure that minimum standards of sanitation and health will be
9 maintained during the mass gathering;

10 (11) a description of all preparations being made to
11 provide traffic control, to ensure that the mass gathering will be
12 conducted in an orderly manner, and to protect the physical safety
13 of the persons who attend the mass gathering;

14 (12) a description of the preparations made to provide
15 adequate medical and nursing care; ~~and~~

16 (13) a description of the preparations made to
17 supervise minors who may attend the mass gathering; and

18 (14) the name and address of a designated party
19 responsible for ensuring that the mass gathering occurs in
20 accordance with the information stated in the application.

21 (c) A promoter or a party described under Subdivision
22 (b)(14) that makes a misrepresentation on a permit application
23 commits an offense. An offense under this subsection is a Class A
24 misdemeanor.

25 SECTION 6. Section 751.009, Health and Safety Code, is
26 amended to read as follows:

27 Sec. 751.009. APPEAL. A promoter or a person affected by

1 the granting, denying, or revoking of a permit may appeal that
2 action not later than the 10th day after the date of the action to a
3 district court having jurisdiction in the county in which the mass
4 gathering will be held.

5 SECTION 7. Chapter 751, Health and Safety Code, is amended
6 by adding Section 751.014 to read as follows:

7 Sec. 751.014. SUBSTANTIAL COMPLIANCE. The county judge by
8 order may terminate the mass gathering if the event is not in
9 substantial compliance with the terms of the permit application.

10 SECTION 8. Section 751.007(a), Health and Safety Code, is
11 repealed.

12 SECTION 9. This Act takes effect September 1, 2003, and
13 applies only to a permit application filed under Chapter 751,
14 Health and Safety Code, on or after that date.