

BILL ANALYSIS

C.S.H.B. 775
By: Walle
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that excessive noise levels in residential areas of Texas pose a threat to public health, safety, and welfare. Currently the City of Houston has a comprehensive noise ordinance, but Harris County lacks a system of noise regulation for its unincorporated area. C.S.H.B. 775 seeks to address this constituent and local concern by providing for the regulation of noise and sound levels in the unincorporated area of Harris County, including by authorizing a permitting system for certain events involving high noise levels from loudspeakers or amplifiers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 775 amends the Local Government Code to require the commissioners court of a county with a population of more than 3.3 million to prohibit by order the production of sound from a loudspeaker or sound amplifier the level of which exceeds 85 decibels at a distance of 50 feet from the property line of the property on which the loudspeaker or sound amplifier is operated. The bill limits the applicability of a regulation adopted under the bill's provisions to the unincorporated area of the county and exempts from such regulation a sound produced by the following:

- the operations or facilities of the following:
 - a chemical manufacturing facility;
 - an electric utility;
 - a gas utility;
 - a telecommunications utility;
 - a cable service provider;
 - a video service provider; or
 - an entity permitted for the management of solid waste under the Solid Waste Disposal Act; or
- an activity associated with the following:
 - the exploration, development, or production of oil, gas, geothermal resources, or any other substance or material regulated by the Railroad Commission of Texas under applicable pollution prevention provisions; or

- the transporting, refining, processing, or other handling of oil, gas, or geothermal resources.

C.S.H.B. 775 authorizes the commissioners court to authorize by order the holding of events at which loudspeakers or sound amplifiers that produce sounds exceeding the specified levels will be used if the person holding an event obtains a permit from the county for the event. The bill sets out provisions relating to such a permit, including provisions authorizing a permit fee.

C.S.H.B. 775 requires the commissioners court to adopt by rule a procedure to measure noise and sound levels and authorizes the county to sue in a district court for an injunction to prohibit the violation or threatened violation of a prohibition or other regulation adopted under the bill's provisions. The bill creates a Class C misdemeanor offense for a person who violates such a prohibition or regulation.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 775 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes additional exemptions that were not included in the original for a sound produced by the following:

- the operations or facilities of the following:
 - a telecommunications utility;
 - a cable service provider;
 - a video service provider; or
 - an entity permitted for the management of solid waste under the Solid Waste Disposal Act; or
- an activity associated with the following:
 - the exploration, development, or production of oil, gas, geothermal resources, or any other substance or material regulated by the Railroad Commission of Texas under applicable pollution prevention provisions; or
 - the transporting, refining, processing, or other handling of oil, gas, or geothermal resources.