

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 339
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Intergovernmental Relations
3/8/1999
Committee Report (Substituted)

DIGEST

Currently, under the Texas Mass Gathering Act, a promoter holding a gathering in an unincorporated area of a county, which is expected to attract more than 5,000 persons who will remain at the meeting location for more than 12 continuous hours, to file a permit application with the county judge in the county in which the gathering will be held. The county judge must send a copy of the application for the gathering to the county health authority and the sheriff. The county health authority and the sheriff investigate preparations for the gathering to determine the minimum standards for public safety, health, and sanitation as prescribed by state and local laws. The Mass Gathering Act does not require the county fire marshal to provide fire safety and prevention investigations or fire inspections during the event. This bill would require the county fire marshal to investigate preparations for a gathering to determine the minimum standards to ensure public fire safety.

PURPOSE

As proposed, C.S.S.B. 339 authorizes certain county officials to ensure public safety at mass gatherings.

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 Section 751.002(1), Health and Safety Code, to redefine “mass gathering,” as a gathering held outside a municipality’s limits that attracts more than 5,000 persons who will remain at the meeting location for more than 5, rather than 12, continuous hours.

SECTION 2. Amends Section 751.005, Health and Safety Code, to require a county judge to send a copy of the application to the county health authority, the county fire marshal or the person designated under Subsection (c), and the sheriff. Requires the county fire marshal to investigate preparations for the mass gathering. Requires the commissioners court to designate a person to act under this section, if there is no county fire marshal in that county. Requires the county fire marshal or the commissioners court designee to submit to the county judge a report stating whether the fire marshal or designee believes that the minimum standards for ensuring public fire safety and order as prescribed by state and local laws, rules, and orders will be maintained, at least five days before the date on which the hearing prescribed by Section 751.006 is held. Requires the county fire marshal or commissioners court designee to be available at the hearing to give testimony relating to their reports. Makes conforming changes.

SECTION 3. Amends Chapter 751, Health and Safety Code, by adding Section 751.012, as follows:

Sec. 751.012. INSPECTIONS. (a) Authorizes the county health authority to inspect a mass gathering during the gathering to ensure that the minimum standards of health and sanitation prescribed by state and local laws, rules, and orders are being maintained. Authorizes the health authority to order the promoter of the mass gathering to correct the violation, if the county health authority determines a violation of the minimum standards is occurring.

(b) Authorizes the county fire marshal or the person designated under Section 751.005(c) to inspect a mass gathering during the mass gathering to ensure that the minimum standards for ensuring public fire safety and order are being maintained. Authorizes the marshal or designee to order the promoter of the mass gathering to correct the violation, if the marshal or commissioners court designee determines a violation of the minimum standards is occurring.

(c) Authorizes the sheriff to inspect a mass gathering to ensure that the minimum standards for ensuring public safety and order prescribed by state and local laws, rules, and orders are being maintained. Authorizes the sheriff to order the promoter of the mass gathering to correct the violation, if the sheriff determines a violation of the minimum standards is occurring.

(d) Provides that a promoter who fails to comply with an order issued under this section commits a Class C misdemeanor.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Emergency clause.

Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 751.002(1), Health and Safety Code, to redefine “mass gathering” to mean a gathering that is held outside the limits of a municipality and that attracts more than 5,000 persons who will remain at the meeting location for more than five, rather than 12, continuous hours.