

BILL ANALYSIS

C.S.H.B. 295
By: Walle
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that noise levels in residential areas of certain large counties pose a potential threat to public health, safety, and welfare. C.S.H.B. 295 seeks to address the issue of noise pollution in these areas by requiring the commissioners court of certain counties to prohibit the production of sound from a loudspeaker or sound amplifier in excess of certain decibel levels beyond a specified area.

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. 295 amends the Local Government Code to require the commissioners court of a county with a population of more than 3.3 million by order to prohibit 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 restricts the applicability of a regulation adopted under its provisions to the county's unincorporated area and exempts from such regulation a sound produced by the operations or facilities of a chemical manufacturing facility, an electric utility, or a gas utility. The bill authorizes the commissioners court by order to authorize the holding of events at which loudspeakers or sound amplifiers that produce sounds exceeding such 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 the grant, denial, suspension, and revocation of a permit. The bill authorizes a county to impose fees on an applicant for a permit, requires the fees to be based on the administrative costs of issuing the permit, and requires a county that imposes a permit fee to establish procedures to reduce the fee amount if the applicant is unable to pay the full permit fee.

C.S.H.B. 295 requires the commissioners court by rule to adopt a procedure to measure noise and sound levels under the bill's provisions. The bill authorizes a county to sue in the district court for an injunction to prohibit the violation or threatened violation of a prohibition or other regulation adopted under such provisions. The bill creates a Class C misdemeanor offense for a person who violates such a prohibition or regulation adopted under the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 295 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 240, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REGULATION OF NOISE AND SOUND LEVELS

Sec. 240.061. APPLICABILITY OF SUBCHAPTER.

Sec. 240.062. AUTHORITY TO REGULATE.

Sec. 240.063. EXEMPTIONS.

Sec. 240.064. PERMIT FOR CERTAIN EVENTS; PERMIT FEES.

Sec. 240.065. METHOD OF SOUND MEASUREMENT.

Sec. 240.066. INJUNCTION.

Sec. 240.067. CRIMINAL PENALTY. (a) A person commits an offense if the person violates a prohibition or other regulation adopted under this subchapter.

(b) An offense under this section is a Class C misdemeanor. If it is shown on the trial of an offense under this section that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.

SECTION 2. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 240, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REGULATION OF NOISE AND SOUND LEVELS IN CERTAIN COUNTIES

Sec. 240.061. APPLICABILITY OF SUBCHAPTER.

Sec. 240.062. AUTHORITY TO REGULATE.

Sec. 240.063. EXEMPTIONS.

Sec. 240.064. PERMIT FOR CERTAIN EVENTS; PERMIT FEES.

Sec. 240.065. METHOD OF SOUND MEASUREMENT.

Sec. 240.066. INJUNCTION.

Sec. 240.067. CRIMINAL PENALTY. (a) A person commits an offense if the person violates a prohibition or other regulation adopted under this subchapter.

(b) An offense under this section is a Class C misdemeanor.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the 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, 2017.