

- SUBJECT:** Applying mass gatherings act to certain horse, greyhound races
- COMMITTEE:** Licensing and Administrative Procedures — favorable, without amendment
- VOTE:** 9 ayes — Smith, Gutierrez, Geren, Goldman, Guillen, Kuempel, Miles, D. Miller, S. Thompson
- 0 nays
- SENATE VOTE:** On final passage, April 21 — 25-5 (Bettencourt, Burton, Creighton, Huffines, Nelson)
- WITNESSES:** For — Micah Harmon, Sheriffs' Association of Texas; (*Registered, but did not testify*: Roy Boyd, R. Glenn Smith, and AJ Louderback, Sheriffs' Association of Texas; Aurora Flores and Laura Nicholes, Texas Association of Counties)
- Against — None
- BACKGROUND:** The Texas Mass Gatherings Act, under Health and Safety Code, ch. 751, prohibits a person from promoting a mass gathering without a permit issued under the chapter. A mass gathering is defined as a gathering that:
- is held outside of a city's limits;
 - attracts or is expected to attract more than 2,500 people; or more than 500 if 51 percent or more of the individuals can reasonably be expected to be younger than 21 years old and it is planned or can reasonably be expected that alcohol will be sold, served, or consumed; and
 - is expected to go on for more than five continuous hours or any amount of time between 10 p.m. and 4 a.m.

Applications for permits must be filed at least 45 days before an event with the county judge of the county in which the mass gathering will be held. The county judge is required to send a copy of the application to the

county health authority, the sheriff, and the county fire marshal or other person designated to act for the fire marshal. These authorities are required to investigate preparations for the gathering and report on them to the county judge. The county judge is required to hold a hearing on applications for mass gatherings, after which the judge must grant or deny the permit. Commissioners courts can collect a fee for inspections related to the gathering.

Under sec. 751.011, it is a misdemeanor offense to fail to get a required permit. The offense is punishable by a fine of up to \$1,000, confinement in the county jail for up to 90 days, or both.

DIGEST: SB 917 would apply the mass gatherings act to a horse or greyhound race that attracted or was expected to attract at least 100 persons. The bill would not apply if a race was held at a location authorized under the Texas Racing Act for pari-mutuel wagering. The bill would not legalize any activity prohibited under the Penal Code or any other state law.

The bill would take effect September 1, 2015.

SUPPORTERS SAY: SB 917 would help ensure that horse and greyhound races that are legal but unregulated by counties and that are occurring in rural Texas take place in a safe manner. These “brush tracks” can attract crowds and raise concerns about public safety, public health, and traffic, but counties may be unable to address the concerns if the crowds are sizeable but smaller than the current thresholds for the mass gatherings act. While some of these tracks are more established, in some cases county officials may not be aware of when the races will take place, and some races may occur behind locked gates. At some races, activities such as illegal drug or alcohol sales may take place.

SB 917 would address this gap in the law by requiring horse or greyhound races that attract a minimum of 100 persons to comply with the mass gatherings act. The threshold would be set at 100 to exclude smaller events but to encompass public gatherings at which safety, traffic, and other concerns could arise in a rural area. The bill would be a reasonable,

narrow extension of current law that would ensure that county officials were notified so public health and safety concerns could be identified and addressed.

The bill would not outlaw these events, nor would it permit any currently illegal activity. It would not encourage or legitimize any illegal gambling or other activities, which would continue to be addressed as they are under current law. The bill would not apply to state-licensed pari-mutuel race tracks.

OPPONENTS
SAY:

The state should not expand the powers of county governments to cover events that currently do not meet the thresholds of the mass gathering act. Horse and greyhound races that meet the current thresholds should be held to the requirements of the act, but the thresholds should not be adjusted significantly downward, from 2,500 to 100, to capture one type of event occurring on private property. Illegal activities occurring at such gatherings should be dealt with under current law, rather than by expanding local governments' authority under the mass gatherings act.

OTHER
OPPONENTS
SAY:

Bringing small horse and greyhound races occurring on private property under the mass gatherings act and requiring them to get permits could further any illegal gambling at the event if patrons saw the races as having an air of legitimacy.