

BILL ANALYSIS

H.B. 1331
By: Solomons
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 75th Legislature enacted Chapter 244, Subchapter A, Local Government Code (the CORRECTIONAL OR REHABILITATION FACILITY Subchapter) to allow county or city governing bodies to review and veto correctional or rehabilitation facilities proposed to be located within 1,000 feet of residential areas, schools, public parks, or places of worship. The Subchapter applies to certain facilities such as state jails, parole offices, and boot camps operated by, or contracted for, the Texas Department of Criminal Justice, the Texas Youth Commission, or political subdivisions of the state. The Subchapter provides for the Sunset Advisory Commission to review these statutes before they expire on September 1, 2003. As a result of its review of the Subchapter, the Sunset Advisory Commission recommended continuation of this provision and statutory modifications that are contained in H.B. 1331.

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

- SECTION 1. The bill amends Section 244.002, Local Government Code, to require the state, or a private vendor operating under a contract with an agency or political subdivision of the state, to provide written notice to commissioners courts and the governing bodies of municipalities in locations where a facility regulated under the Subchapter is proposed to be located or operated. The bill amends the statute to require that this notice include a statement of the entity's intent to construct or operate a facility, the proposed location of the facility, and that the notice of and consent to the proposed facility is governed under this Subchapter.
- SECTION 2. The bill amends Section 244.004, Local Government Code, to allow a public meeting held by the Texas Department of Criminal Justice under the Government Code to satisfy the meeting required under the Subchapter, with written approval from the affected county commissioners court or municipality's governing body and if during the meeting a determination is made as to whether operating the facility in the proposed location would be in the best interest of the county or municipality. If the public hearing requirement is met in the manner described above, the commissioners court of a county or governing body of a municipality may adopt a resolution without holding a public hearing under Subsection (a). The bill allows these local governing bodies to hold a separate public hearing under the Local Government Code as necessary or appropriate.
- SECTION 3. The bill amends Section 244.007, Local Government Code, by stating that if the Subchapter conflicts with Section 508.119 of the Government Code, regarding community residential facilities operated by, or contracted for, the Pardons and Paroles Division of the Texas Department of Criminal Justice, the Subchapter prevails.

SECTION 4. The bill repeals Section 244.005, Local Government Code, that provides for written request to receive notice on these facilities to conform with provisions of the bill, and it repeals Section 244.008, Local Government Code, removing the Subchapter's expiration date.

SECTION 5. Effective date.

EFFECTIVE DATE

September 1, 2003.