

BILL ANALYSIS

C.S.H.B. 538
By: Bohac
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Chapter 244 of the Local Government Code requires public notification for the construction of correctional facilities, rehabilitation facilities or homeless shelters if these facilities are to be located within 1,000 feet of residences, schools, parks, and churches. Local consent to construct these facilities may also be required. Current law does not, however, extend these requirements to chemical dependency treatment facilities, recovery centers, or certain types of halfway houses.

H. B. 538 would require a person who intends to construct or operate a chemical dependency treatment facility, recovery center, or certain type of halfway houses in a municipality with a population of more than 1.5 million to post a sign at the proposed treatment location and give notice to all municipalities containing residences, schools, parks, or churches within 1,000 feet of the proposed facility.

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

Amends Chapter 244 of the Local Government Code by adding Subchapter C to require that a person who intends to construct or operate a treatment facility, defined in Section 244.052 of the Health and Safety Code, notify the governing body of the municipalities containing residences, schools, parks, churches, or other places of worship within 1,000 feet of the proposed facility. In addition, a four by six foot sign must be posted on the property not later than 90 days before the beginning of construction stating intention to construct or operate a chemical dependency treatment at the location.

Subchapter C applies only to a municipality of with a population of more than 1.5 million.

Construction of the facility may begin only if the municipality passes a resolution consenting to its construction or if the municipality fails to pass a resolution in opposition of the facility before the 91st day after the date it receives notification of plans for construction.

This Act applies only to construction or operation of those treatment facilities within 1,000 feet of residences, schools, parks, churches, or other places of worship that begin on or after December 1, 2005.

EFFECTIVE DATE

This Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original version applied to all municipalities. The substitute applies only to a municipality of more than 1.5 million.