

BILL ANALYSIS

C.S.H.B. 2152
By: Bohac
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under the Local Government Code, certain correctional and rehabilitation facilities that operate within a certain proximity to residential area, a primary or secondary school, public park or public recreation area, or a church, synagogue, or other place of worship must provide written notification to the local governing bodies. This notification does not extend to chemical dependency treatment facilities.

The proposed complete committee substitute for House Bill No. 2152 requires chemical dependency treatment facilities to abide by similar standards that correctional and rehabilitation facilities must operate under.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a State officer, institution, department or agency.

SUMMARY ANALYSIS

The substitute for House Bill No. 2152 requires chemical dependency treatment facilities operating within 1,000 feet of residential property, a primary or secondary school, a public park, public recreation areas, a church or synagogue, or any other place of worship, to provide certain forms notification.

The notification must be submitted to the local governing body and must be displayed prominently on an outdoor sign that is no less than four feet by six feet, and written in lettering that is at least four inches in height, that a there is intent to either construct or operate a chemical dependency treatment facility at that particular location.

The substitute also allows the local municipality to require that the sign be both in English and another language.

The notifying person must give notice no later than 90 days before the person begins construction or begins operation of the facility.

A municipality may deny consent to the construction or operation if the governing body issues a resolution after public hearings that the treatment center is not in the best interest of the municipality.

The governing body must hold a public hearing on no later than the 90th day after it receives the notification. Should a governing body not issue a resolution in opposition by the 91st day after notification has been issued then the municipality is considered to consent to the facility.

The distance used is to be measured in a straight line between the nearest property line of the proposed location to the nearest line of the affected property.

This would apply only to the construction or operation of a facility that begins on or after December 1, 2007.

EFFECTIVE DATE

This Act would take effect on September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds Subsection (a) to Section 244.052, stipulating that the Act would apply only in a municipality the majority of the population of which is located in a county with a population of more than three million.

The substitute removes from the original bill the requirement that notification be made by United States Mail and mandates that the notice requirement be fulfilled by prominently posting an outdoor sign at the proposed location of the treatment facility stating that a person intends to construct or operate a chemical dependency treatment facility at the location and providing the person's name and business address. That sign must be at least four by six feet in size and must be written in lettering at least four inches in height.