

## **BILL ANALYSIS**

Senate Research Center  
78R897 EMT-D

H.B. 1331  
By: Solomons et al. (Lucio)  
Government Organization  
4/28/2003  
Engrossed

### **DIGEST AND PURPOSE**

H.B. 1331 continues and modifies the Correctional or Rehabilitation Facility subchapter of the Local Government Code, currently set to expire on September 1, 2003.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 244.002(a) and (b), Local Government Code, as follows:

(a) Requires an agency of the state, a political subdivision of the state, or a private vendor operating under a contract with an agency or political subdivision of the state that proposes to construct or operate a correctional or rehabilitation facility within 1,000 feet of a residential area, a primary or secondary school, property designated as a public park or public recreation area by the state or a political subdivision of the state, or a church, synagogue, or other place of worship to perform certain acts, including providing written notice to certain entities.

(b) Requires an entity to include certain information in a notice.

SECTION 2. Amends Section 244.004, Local Government Code, as follows:

Sec. 244.004. LOCAL CONSENT. (b) Authorizes the public hearing requirement established under Subsection (a) to be met by a public meeting held under Section 508.119 or 509.010, Government Code, if certain conditions exist.

(c) Authorizes the commissioners court of a county or governing body of a municipality, if the public hearing requirement established under Subsection (a) is met in the manner described by Subsection (b), to adopt a resolution under Subsection (a) without holding a public hearing under that subsection. Provides that the commissioners court or governing body, as appropriate, retains the discretion to hold a separate public hearing under Subsection (a) as the commissioners court or governing body considers necessary or appropriate.

(d) Redesignated from existing Subsection (b).

SECTION 3. Amends Section 244.007, Local Government Code, as follows:

Sec. 244.007. CONFLICT WITH OTHER LAW. Provides that this subchapter prevails, to the extent of any conflict between this subchapter and Sections 508.119 and 509.010, Government Code.

SECTION 4. Repealer: Sections 244.005 (Written Request to Receive Notice) and 244.008 (Sunset Review), Local Government Code.

SECTION 5. Effective date: September 1, 2003.