

By: Clardy

H.B. No. 4145

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to salaries for staff of a private vendor contracting with  
3 the Texas Board of Criminal Justice for the operation, maintenance,  
4 or management of a correctional facility.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 495.003(c), Government Code, is amended  
7 to read as follows:

8 (c) In addition to meeting the requirements specified in the  
9 requests for proposals, a proposal must:

10 (1) provide for regular, on-site monitoring by the  
11 institutional division;

12 (2) acknowledge that payment by the state is subject  
13 to the availability of appropriations;

14 (3) provide for payment of a maximum amount per  
15 biennium;

16 (4) offer a level and quality of programs at least  
17 equal to those provided by state-operated facilities that house  
18 similar types of inmates and at a cost that provides the state with  
19 a savings of not less than 10 percent of the cost of housing inmates  
20 in similar facilities and providing similar programs to those types  
21 of inmates in state-operated facilities;

22 (5) permit the state to terminate the contract for  
23 cause, including as cause the failure of the private vendor or  
24 county to meet the conditions required by this subchapter and other

1 conditions required by the contract;

2 (6) provide that cost adjustments may be made only  
3 once each fiscal year, to take effect at the beginning of the next  
4 fiscal year;

5 (7) have an initial contract term of not more than  
6 three years, with an option to renew for additional periods of two  
7 years;

8 (8) if the proposal includes construction of a  
9 facility, contain a performance bond approved by the board that is  
10 adequate and appropriate for the proposed contract;

11 (9) provide for assumption of liability by the private  
12 vendor or county for all claims arising from the services performed  
13 under the contract by the private vendor or county;

14 (10) provide for an adequate plan of insurance for the  
15 private vendor or county and its officers, guards, employees, and  
16 agents against all claims, including claims based on violations of  
17 civil rights arising from the services performed under the contract  
18 by the private vendor or county;

19 (11) provide for an adequate plan of insurance to  
20 protect the state against all claims arising from the services  
21 performed under the contract by the private vendor or county and to  
22 protect the state from actions by a third party against the private  
23 vendor or county, its officers, guards, employees, and agents as a  
24 result of the contract;

25 (12) provide plans for the purchase and assumption of  
26 operations by the state in the event of the bankruptcy of the  
27 private vendor or inability of the county to perform its duties

1 under the contract; ~~and~~

2 (13) contain comprehensive standards for conditions  
3 of confinement; and

4 (14) if the proposal is submitted by a private vendor  
5 for the operation, maintenance, or management of a secure  
6 correctional facility, provide that:

7 (A) salaries of staff at the facility are not  
8 less than 90 percent of salaries of similarly situated staff  
9 members at state-operated facilities; and

10 (B) salary increases are provided to staff at the  
11 facility at similar intervals to those of similarly situated staff  
12 members at state-operated facilities.

13 SECTION 2. The change in law made by this Act applies only  
14 to a contract for which the request for proposals is issued on or  
15 after the effective date of this Act. A contract for which the  
16 request for proposals is issued before the effective date of this  
17 Act is governed by the law in effect on the date the request for  
18 proposals was issued, and the former law is continued in effect for  
19 that purpose.

20 SECTION 3. This Act takes effect September 1, 2023.