

BILL ANALYSIS

C.S.H.B. 1544
By: Allen
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties report that commissioners courts in certain counties, such as Harris County, are not required to receive written approval from the county sheriff before contracting with a private vendor for the provision of certain services or management of a jail, detention center, work camp, or related facility because the county can bypass that requirement if the county ensures that contracted services meet or exceed certain standards. C.S.H.B. 1544 seeks to extend this requirement for written approval to all counties.

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

C.S.H.B. 1544 amends the Local Government Code, in provisions requiring a county commissioners court to receive the written approval of the county sheriff before entering into a contract with a private vendor to provide for the financing, design, construction, leasing, operation, purchase, maintenance, or management of a jail, detention center, work camp, or related facility, to require a commissioners court of a county with a population of 2.8 million or more to consult with the sheriff regarding the feasibility of ensuring, rather than to ensure, that all services provided under the contract are required to meet or exceed standards set by the Commission on Jail Standards.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1544 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 351.102, Local Government Code, is amended to read as follows:

SECTION 1. Section 351.102, Local Government Code, is amended to read as follows:

Sec. 351.102. **ADDITIONAL AUTHORITY TO CONTRACT.** The commissioners court of a county may contract with a private vendor to provide for

Sec. 351.102. **ADDITIONAL AUTHORITY TO CONTRACT.** The commissioners court of a county may contract with a private vendor to provide for

the financing, design, construction, leasing, operation, purchase, maintenance, or management of a jail, detention center, work camp, or related facility. The commissioners court may not award a contract under this section unless the commissioners court requests proposals by public notice and not less than 30 days from such notice receives a proposal that meets or exceeds the requirements specified in the request for proposals. Before the commissioners court of a county enters into a contract under this section, the commissioners court of the county must receive the written approval of the sheriff of the county, which written approval shall not be unreasonably withheld~~[, or if the county has a population of 2.8 million or more: (1) ensure that all services provided under the contract are required to meet or exceed standards set by the Commission on Jail Standards; or (2) receive the written approval of the sheriff of the county, which written approval shall not be unreasonably withheld].~~

SECTION 2. The change in law made by this Act applies only to a contract entered into on or after the effective date of this Act. A contract entered into before the effective date of this Act is governed by the law in effect when the contract was entered into, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

the financing, design, construction, leasing, operation, purchase, maintenance, or management of a jail, detention center, work camp, or related facility. The commissioners court may not award a contract under this section unless the commissioners court requests proposals by public notice and not less than 30 days from such notice receives a proposal that meets or exceeds the requirements specified in the request for proposals. Before the commissioners court of a county enters into a contract under this section, the commissioners court of the county must receive the written approval of the sheriff of the county, which written approval shall not be unreasonably withheld, or if the county has a population of 2.8 million or more: (1) consult with the sheriff regarding the feasibility of ensuring [ensure] that all services provided under the contract are required to meet or exceed standards set by the Commission on Jail Standards; or (2) receive the written approval of the sheriff of the county, which written approval shall not be unreasonably withheld.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.