

BILL ANALYSIS

Senate Research Center

S.B. 2188
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Local Government
6/8/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When opening a private business, such as a restaurant or daycare, certain permits and approvals are required. This is done to ensure the health and wellbeing of local residents. However, there is an ongoing situation occurring in Midland, Texas, where a property owner changed the use of their land without obtaining necessary state and local permits by contracting with the federal government to place children on the site. Currently, there is no prior authorization required to do this, and S.B. 2188 will accomplish that goal.

S.B. 2188 would authorize municipal and county governments to adopt and enforce a local ordinance, order, or other regulation necessary to ensure that a residential child detention facility meets certain health, safety, and welfare standards.

(Original Author's / Sponsor's Statement of Intent)

S.B. 2188 amends current law relating to the municipal or county regulation of residential detention facilities for immigrant or refugee children.

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 Chapter 250, Local Government Code, by adding Section 250.011, as follows:

Sec. 250.011. RESIDENTIAL IMMIGRANT OR REFUGEE CHILD DETENTION FACILITIES. (a) Defines "residential child detention facility."

(b) Authorizes a municipality or a county to adopt and enforce an ordinance, order, or other regulation that requires a residential child detention facility to:

(1) provide adequate water, wastewater, or other utilities for the facility;
and

(2) meet reasonable minimum standards that promote the health, safety, and welfare of the residents of the facility.

(c) Prohibits a county from regulating under Subsection (b) a facility that is located in the corporate boundaries of a municipality.

(d) Requires the owner or operator of the proposed residential child detention facility, before entering into a contract with a federal agency to operate as a residential child detention facility, to:

(1) provide notice of the proposed facility:

(A) if the facility is located in a municipality, to the governing body of the municipality; or

(B) if the facility is located in the unincorporated area of a county, to the commissioners court of the county; and

(2) meet any requirements adopted by the municipality or county under Subsection (b).

SECTION 2. Effective date: September 1, 2021.