88R3908 MZM-F

By:  Clardy H.B. No. 4145

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12)  provide plans for the purchase and assumption of operations by the state in the event of the bankruptcy of the private vendor or inability of the county to perform its duties under the contract; [~~and~~]

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

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

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

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

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

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