

SUBJECT: Transfer of correctional facilities from TDCJ to other state agencies

COMMITTEE: Corrections — favorable, with amendment

VOTE: 6 ayes — Hightower, Gray, Culberson, Farrar, Serna, Telford

0 nays

3 absent — Allen, Longoria, Pitts

WITNESSES: For — None

Against — None

On — Steve Robinson, Texas Youth Commission; Wayne Scott, Texas Department of Criminal Justice

DIGEST: HB 2278, as amended, would authorize the Texas Department of Criminal Justice (TDCJ) to transfer correctional facilities to other state agencies, and the agencies to return them, if both the TDCJ board and the governing body of the other agency agreed. Transfer would be defined to apply to leases, conveyance of title or other conveyance of the beneficial use of a correctional facility and land. HB 2278 would take effect September 1, 1995.

SUPPORTERS SAY: Prisons and other TDCJ facilities that the department does not need or finds unsuitable could be transferred under terms of this bill to other state agencies that do need them. For example, to meet a pressing demand for more bed space for juvenile offenders, TDCJ's Marlin Detention Center could be used by the Texas Youth Commission (TYC). The Marlin facility is no longer suitable for use by as TDCJ secure correctional beds but could be adapted to house juvenile offenders. The transfer would expand TYC's bed space by about 350 beds within a few months, while it would take at least 18 months for TYC to build a new 350-bed facility. The money that would have been spent on a new TYC facility could instead be applied by the state toward building a more suitable TDCJ facility.

The bill would not mandate any transfers, nor would any transfers take place without the approval of the TDCJ board and the governing body of the agency receiving a facility.

TDCJ already allows employee transfers among TDCJ facilities, so employees at a facility that was transferred to another agency would have an opportunity to stay with the department. While this might cause some adjustment for TDCJ employees, it is a better alternative than losing jobs through closure of an unneeded TDCJ facility.

Because state employees who do the same job should receive the same salary and benefits, HB 2278, as amended, would make no provision for TDCJ employees to continue to receive TDCJ salary and benefits if they go to work for another agency that receives a TDCJ correctional facility. TDCJ employees who joined another agency generally would be able transfer into jobs with comparable pay, with security personnel possibly being the only exception. Mandating that other agencies pay former TDCJ employees their former salary and benefits could put a financial burden on the other agency.

**OPPONENTS  
SAY:**

The wages and benefits of TDCJ employees who work at facilities that may be transferred to other state agencies should be protected. It would be unfair to ask TDCJ employees to choose among job loss, moving or commuting to another town with a TDCJ facility or risking lower pay and benefits at a new agency. For example, experienced TDCJ correctional officers are paid more than comparable workers at TYC, and get law enforcement officer retirement benefits, which differ from those of other state employees.

**NOTES:**

The committee amendment deleted a provision to give TDCJ employees priority for employment and training by the agency that received the facility and allowed TDCJ employees who joined the new agency to retain the salary and benefits of TDCJ employees.