

BILL ANALYSIS

Senate Research Center

H.C.R. 118
By: Hilbert (Ratliff)
Finance
5-17-97
Engrossed

DIGEST

In 1993 the Dick Corporation was selected as general contractor for the construction of two 2,250-bed prison units at New Boston and Karnes City. Due to several problems which arose with the Texas Department of Criminal Justice's design plans for construction, the Dick Corporation requested the appointment of a dispute resolution board, but the agency never appointed the board. The Dick Corporation completed the project, but has filed a claim against the Texas Department of Criminal Justice for cost overruns and time delays. H.C.R. 118 grants the Dick Corporation permission to sue the Texas Department of Criminal Justice.

PURPOSE

As proposed, H.C.R. 118 submits the following resolutions:

That the Dick Corporation is granted permission to sue the State of Texas and the Texas Department of Criminal Justice in Travis County subject to Chapter 107, Civil Practice and Remedies Code, on all claims related to the 2,250-bed prison unit in New Boston, in an amount not to exceed \$10,000,000, including attorney's fees and costs of court.

That the Dick Corporation be granted the permission to sue the State of Texas and the Texas Department of Criminal Justice in Travis County subject to Chapter 107, Civil Practice and Remedies Code, on or after January 1, 1998, in Travis County on all claims related to the 2,250-bed prison unit at Karnes City in an amount not to exceed \$10,000,000, including attorney's fees and costs of the court.

That the remedies available to Dick Corporation in the suit authorized by this resolution are limited to the remedies traditionally available for breach of contract, but that Dick Corporation may not recover punitive or exemplary damages resulting from any breach of contract and that this resolution does not authorize suit on any claim that sounds in tort.

That the executive director of the Texas Department of Criminal Justice be served process as provided by Section 107.002(a)(3), Civil Practice and Remedies Code.