

BILL ANALYSIS

Senate Research Center

S.B. 1443
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Jurisprudence
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As Filed

DIGEST

Currently, contractors' opportunities to resolve breach of contract claims with the Texas Department of Criminal Justice (TDCJ) are limited. Contractors may seek an equitable adjustment, but these negotiations have been protracted and unproductive. This bill proposes a binding arbitration panel so that claims against the TDCJ can be heard in an independent forum, saving time and money.

PURPOSE

As proposed, S.B. 1443 proposes a binding arbitration panel so that claims against the TDCJ can be heard in an independent forum, saving time and money.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Correctional Facilities Construction Claims Commission in SECTION 4 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. DEFINITIONS. Defines "commission" and "state prison construction contractor."

SECTION 2. CORRECTIONAL FACILITIES CONSTRUCTION CLAIMS COMMISSION. Sets forth requirements of and establishes the Correctional Facilities Construction Claims Commission (commission).

SECTION 3. GENERAL POWERS AND DUTIES OF COMMISSION. Sets forth powers and duties of the commission.

SECTION 4. PROCEEDINGS; PARTIES. Sets forth the proceedings the commission shall conduct. Requires the commission to establish certain procedures. Authorizes parties to settle before an arbitration proceeding.

SECTION 5. EFFECT OF ORDER. Sets forth effects of orders issued by the commission.

SECTION 6. PAYMENT OF AWARD. Sets forth requirements and procedures for payment of awards.

SECTION 7. NO WAIVER OF SOVEREIGN IMMUNITY. Provides that this Act is intended to provide a process for resolving claims. Provides that this Act does not waive the state's sovereign immunity from civil suit.

SECTION 8. TIME LIMIT. Requires all proceedings before the commission to be completed on or before June 1, 1998. Requires a report by the commission containing certain information to be forwarded to certain government officials.

SECTION 9. Emergency clause.
Effective date: upon passage.