

BILL ANALYSIS

C.S.H.B. 1185
By: Cyrier
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that there are inconsistencies regarding a party's ability to recover attorney's fees and damages against a state agency for breach of certain service contracts, depending on the parties involved or terms of the contract. C.S.H.B. 1185 seeks to address such inconsistencies relating to adjudication of claims arising from certain written contracts with state agencies.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1185 amends the Civil Practice and Remedies Code to change the amount of attorney's fees that may be awarded in an adjudication brought against an applicable state agency for breach of an express provision of a contract that the state agency has entered into and waived sovereign immunity to for certain engineering, architectural, or construction services from reasonable and necessary attorney's fees that are equitable and just based on an hourly rate as provided in an express contract provision to reasonable and necessary attorney's fees that are equitable and just. The bill removes, for purposes of the award of compensation in such an adjudication for the increased cost to perform work as a direct result of owner-caused delays or acceleration, the condition that the contract expressly provides for that compensation.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1185 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision removing the specification that the claim for breach of contract to which the state agency waiver of immunity applies is a claim for breach of an express provision of the contract.