

## **BILL ANALYSIS**

Senate Research Center  
85R8380 SCL-F

H.B. 2121  
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State Affairs  
5/19/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties note inconsistencies regarding a party's ability to recover attorney's fees in a contract claim against a governmental entity depending on the entity involved. H.B. 2121 addresses this inconsistency by providing for recovery of attorney's fees in certain contract claims against the state.

H.B. 2121 amends current law relating to damages in certain contract claims against the state.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2260.003, Government Code, by adding Subsection (d), as follows:

(d) Authorizes an award of damages under this chapter (Resolution of Certain Contract Claims Against the State), notwithstanding Subsection (c) (relating to certain prohibitions relating to awards of damages), to include attorney's fees if:

- (1) the claim is for breach of a written contract for engineering, architectural, or construction services or materials related to those services; and
- (2) the amount in controversy is less than \$250,000, excluding penalties, costs, expenses, prejudgment interest, and attorney's fees.

SECTION 2. Makes application of Section 2260.003, Government Code, as amended by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2017.