

Chapter 840

H.B. No. 2121

AN ACT

relating to damages in certain contract claims against the state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2260.003, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (c), an award of damages under this chapter may include attorney's fees if:

(1) the claim is for breach of a written contract for:

(A) engineering, architectural, or construction services; or

(B) materials related to the services described by Paragraph (A); and

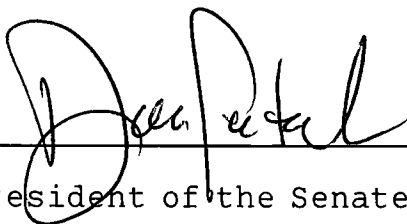
(2) the amount in controversy is less than \$250,000, excluding penalties, costs, expenses, prejudgment interest, and attorney's fees.

SECTION 2. Section 2260.003, Government Code, as amended by this Act, applies only to an action filed on or after the effective date of this Act. An action filed before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

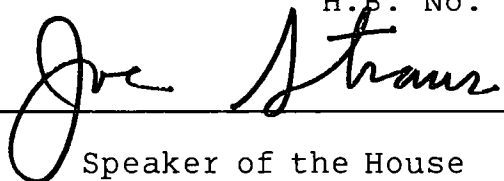
SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2017.



President of the Senate

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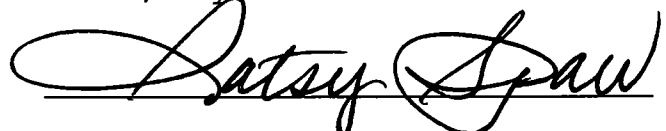
Speaker of the House

I certify that H.B. No. 2121 was passed by the House on May 12, 2017, by the following vote: Yeas 143, Nays 0, 1 present, not voting.



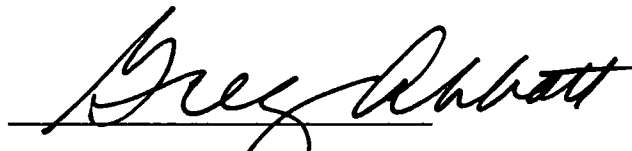
Chief Clerk of the House

I certify that H.B. No. 2121 was passed by the Senate on May 23, 2017, by the following vote: Yeas 29, Nays 2.




Secretary of the Senate

APPROVED: 6-10-2017
Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3 PM O'CLOCK

JUN 15 2017


Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 17, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2121 by Cyrier (Relating to damages in certain contract claims against the state.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to allow a plaintiff to recover attorneys fees in certain breach of contract claims against the state if the claim alleges actual damages of less than \$250,000. Based on the analysis of the Office of Court Administration and the Office of the Attorney General, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General

LBB Staff: UP, AG, LBO, PBO, JSm, DRE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 17, 2017

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2121 by Cyrier (Relating to damages in certain contract claims against the state.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to allow a plaintiff to recover attorneys fees in certain breach of contract claims against the state if the claim alleges actual damages of less than \$250,000. Based on the analysis of the Office of Court Administration and the Office of the Attorney General, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

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