

BILL ANALYSIS

H.C.R. 223
By: Hartnett
Civil Practices
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 1994, Pelzel and Associates entered into a contract with Travis County for the construction of the Travis County Precinct One Building in Austin, Texas. Construction ran 22 days over the agreed completion date. There was a disagreement relating to which party was the cause of this delay. Pelzel & Associates, since renamed Guerrero-McDonald & Associates, filed suit and prevailed at the trial and appellate court levels. However, on May 9, 2002, these decisions were reversed by the Texas Supreme Court on the grounds of sovereign immunity.

HCR 223 would grant permission for Guerrero-McDonald & Associates to sue Travis County.

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

HCR 223 grants permission for Maria Isabel Guerrero-McDonald and Guerrero-McDonald & Associates, Inc. permission to sue Travis County in the manner described by Chapter 107, Civil Practice and Remedies Code. The suit shall be brought in Travis County and the total of all damages awarded in the suit, including any court costs and prejudgment interest awarded under law, may not exceed \$3 million plus the amount of attorney's fees authorized by law. The county judge of Travis County will be served process in this matter.