

By: Nixon

H.B. No. 1026

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the resolution of certain contract claims against the  
3 state.

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

5 SECTION 1. Section 2260.104(e), Government Code, is amended  
6 to read as follows:

7 (e) In a contested case hearing under this subchapter:

8 (1) the decision may not be appealed except for abuse  
9 of discretion; and

10 (2) the state agency may not change the finding of fact  
11 or conclusion of law, nor vacate or modify an order as provided in  
12 Section 2001.058(e).

13 SECTION 2. Section 2260.105(a), Government Code, is amended  
14 to read as follows:

15 (a) Notwithstanding Section 2260.003(c)(4), the [The] unit  
16 of state government shall pay the amount of the claim or part of the  
17 claim, including the reasonable cost of attorney's fees in bringing  
18 the claim, if[+]

19 [~~1~~] the administrative law judge finds, by a  
20 preponderance of the evidence, that under the laws of this state the  
21 claim or part of the claim is valid[~~, and~~

22 [~~2~~] ~~the total amount of damages, after taking into~~  
23 ~~account any counterclaim, is less than \$250,000].~~

24 SECTION 3. Section 2260.1055(a), Government Code, is

1 amended to read as follows:

2 (a) If, after a hearing, the administrative law judge  
3 determines that a claim involves damages and attorney's fees the  
4 total amount of which is [~~of \$250,000 or~~] more than the unit of  
5 state government has available from money appropriated to it for  
6 the payment of contract claims and for payment of the contract that  
7 is the subject of the claim, the administrative law judge shall  
8 issue a written report containing the administrative law judge's  
9 findings and recommendations to the legislature.

10 SECTION 4. Section 2260.104(f), Government Code, is  
11 repealed.

12 SECTION 5. This Act applies only to a contested case hearing  
13 commenced on or after the effective date of this Act. A contested  
14 case hearing commenced before the effective date of this Act is  
15 governed by the law applicable to the contested case hearing  
16 immediately before the effective date of this Act, and that law is  
17 continued in effect for that purpose.

18 SECTION 6. This Act takes effect September 1, 2005.