

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 16, 2019

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

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1185 by Cyrier (Relating to limitations on adjudication awards arising from certain written contracts with state agencies.), **As Engrossed**

The fiscal implications to the State cannot be determined due to the increase in adjudication awards and attorney's fees paid to litigants in cases involving state agencies being unknown.

The bill would amend the Civil Practice and Remedies Code to remove references to express and written provisions for certain contracts with state agencies and allow the court to award attorney's fees that are equitable and just.

According to the Office of the Attorney General and the Comptroller of Public Accounts, the bill could raise the limit on adjudication awards in cases involving claims of breach of contract by a state agency by increasing the range of damages available to a litigant and by permitting the recovery of attorney's fees that are equitable and just, whereas currently the recovery of attorney's fees are only allowable if included in the contract with the state entity.

The total increase in adjudication awards and attorney's fees paid to litigants in cases involving a state agency under the provisions of the bill is unknown; therefore the fiscal implications of the bill cannot be determined.

The bill would take effect September 1, 2019.

Local Government Impact

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

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts,
 212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, CMA, MW, DA, SLE, LCO, JMO