



## AGC-Texas Building Branch

### Legislative Position Paper

#### Attorney's fees for State breach of contract

HB 1185 by Chairman Cyrier, SB 737 by Chairman Hughes

#### AGC Supports

##### Background

When a county, city, school district, community college, river authority, or special-purpose district/authority breaches an architectural, engineering, or construction contract, attorney's fees are recoverable by statute.

After the 2017 Session, when the state breaches an architectural, engineering, or non-TxDOT construction contract, attorney's fees are also recoverable by statute—when the amount-in-controversy **is less than** \$250,000. This was HB 2121 (Cyrier/Hughes), which passed the House 143-0 and the Senate 29-2, and was signed by Governor Abbott.

##### Proposed legislation

This 2019 bill would provide statutory recovery of attorney's fees when the state breaches an architectural, engineering, or non-TxDOT construction contract when the amount-in-controversy **is more than** \$250,000. In 2017, this very issue (HB 2128 by Cyrier/Hughes) passed the House 143-0 but ran out of time in the Senate. In 2017 no one testified or registered against the bill in committee, and the LBB issued a fiscal note of zero impact.

##### Supported by:

- Texas Society of Architects
- AGC-Texas Building Branch
- American Council of Engineering Companies of Texas
- Associated Builders and Contractors of Texas
- Texas Construction Association
- AGC of Texas

##### For More Information – contact:

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