

BILL ANALYSIS

H.C.R. 209
By: Ritter
Civil Practices
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Commercial Indemnity Insurance Company alleges that the General Services Commission breached its lease of an office building owned by Commercial Indemnity by wrongfully canceling the lease before the end of the term of the lease and by thereafter refusing to pay monthly rental payments after the wrongful termination. Commercial Indemnity Insurance Company further alleges that the Texas Natural Resource Conservation Commission, the agency of the state that occupied the leased premises, damaged the building when it moved out.

HCR 209 gives Commercial Indemnity permission to bring suit against the State of Texas and the Texas Building and Procurement Commission to recover damages caused by the breach of the lease and to recover the cost to repair the damage caused by the Texas Natural Resource Conservation Commission.

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 209 provides that Commercial Indemnity Insurance Company is granted permission to sue the State of Texas and the Texas Building and Procurement Commission (the successor to the General Services Commission), subject to Chapter 107, Civil Practice and Remedies Code, to recover damages for breach of the lease and to also recover the cost to repair the damages caused by the Texas Natural Resource Conservation Commission. HCR 209 also provides that Commercial Indemnity Insurance Company is entitled to seek recovery of reasonable attorneys' fees incurred in the litigation brought against the State, as well as interest on the amounts due and costs of court. HCR further provides that the executive director of the Texas Building and Procurement Commission be served with citation and process as provided by Section 107.002(a)(3), Civil Practice and Remedies Code.