

BILL ANALYSIS

Senate Research Center
76R4528 MDR-D

S.C.R. 18
By: Nixon
Jurisprudence
4/9/1999
As Filed

DIGEST

Anderson Columbia Environmental, Inc. (ACE), alleges that on September 26, 1995, it entered into a contract with the Texas Natural Resource Conservation Commission (TNRCC) for the implementation of Phase B of the Industrial Remediation project for the United Creosoting Superfund Site. ACE has fulfilled all of its obligations under the contract. However, TNRCC failed to give the proper notice required when terminating the contract and has wrongfully withheld payment from ACE. ACE is entitled to recover compensation for the work performed and other appropriate remedies as provided by the contract, excluding exemplary or punitive damages. S.C.R. 18 would allow ACE to sue TNRCC to resolve the payment issues.

PURPOSE

As proposed, S.C.R. 18 submits the following resolutions:

That Anderson Columbia Environmental, Inc. is granted permission to sue the State of Texas and the Texas Natural Resource Conservation Commission (TNRCC) subject to Chapter 107, Civil Practice and Remedies Code.

That the executive director of TNRCC be served process as provided by Section 107.002(a)(3), Civil Practice and Remedies Code.