

## **BILL ANALYSIS**

Senate Research Center  
2001S0844/1 03/14/01

S.C.R. 42  
By: Whitmire  
Finance  
4/4/2001  
As Filed

### **DIGEST AND PURPOSE**

Gibson Recycling, Inc., alleges that it entered into an agreement with the Texas Natural Resource Conservation Commission under the waste tire recycling program to recycle waste tires. Gibson Recycling, Inc., alleges that it performed its obligations under the waste tire recycling program and that the Texas Natural Resource Conservation Commission (commission) failed to perform its obligations under the agreement under the waste tire recycling program. Gibson Recycling, Inc., alleges that the commission has caused Gibson Recycling, Inc., to undergo an audit on its operations under the waste tire recycling program and the audit division of the commission purposely manipulated the figures to show that Gibson Recycling, Inc., had been overpaid by the commission, when Gibson Recycling, Inc., alleges it had not been overpaid. Gibson Recycling, Inc., alleges the commission has failed to pay Gibson Recycling, Inc., \$400,000 to which it is lawfully entitled under the waste tire recycling program; and Gibson Recycling, Inc., has sustained damages as a result of the actions of the commission.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

As proposed, S.C.R. 42 submits the following resolutions:

The Legislature of the State of Texas, hereby grants Gibson Recycling, Inc., permission to sue the State of Texas and the Texas Natural Resource Conservation Commission subject to Chapter 107, Civil Practice and Remedies Code; and, that the remedies available to Gibson Recycling, Inc., in the suit authorized by this resolution are limited to the remedies traditionally available for breach of contract, but that Gibson Recycling, Inc., may not recover punitive or exemplary damages resulting from any breach of contract; and, Gibson Recycling, Inc., and the Texas Natural Resource Conservation Commission may agree to submit the matter that is the subject of this resolution to binding arbitration; and, that the executive director of the Texas Natural Resource Conservation Commission be served process as provided by Section 107.002(a)(3), Civil Practice and Remedies Code.