

BILL ANALYSIS

C.S.S.B. 1719
By: Ogden
Appropriations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

At the conclusion of each biennium, the State of Texas has a number of outstanding claims and judgments against it for varying amounts of money. The claims include warrants voided by the statute of limitations, outstanding invoices to private vendors, unpaid charges for Medicaid recipients, or court judgment settlements. These claims require additional appropriations to be made to honor the state's obligations under the law. C.S.S.B. 1719 sets forth sums of money appropriated out of various accounts to pay certain claims and judgments against the State of Texas.

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

C.S.S.B. 1719 prohibits the comptroller of public accounts (comptroller), except as provided by Section 403.074(g), Government Code, from paying a miscellaneous claim in excess of \$50,000, rather than \$25,000, or an aggregate of claims by a single claimant during a biennium in excess of \$50,000, rather than \$25,000. Unless another law provides a period within which a particular claim must be made, a miscellaneous claim may not be made after eight, rather than four years.

The substitute sets forth sums of money to be appropriated for payment of itemized claims and judgments plus interest, if any, against the State of Texas and specifies that the money is appropriated from the following state accounts:

- General Revenue Fund No. 0001;
- State Highway Fund No. 0006;
- General Revenue--Game, Fish, and Water Safety Fund Account No. 0009;
- General Revenue--Vital Statistics Fund Account No.0019;
- General Revenue--Texas Department of Insurance Operating Fund Account No. 0036;
- General Revenue--State Parks Account No. 0064;
- General Revenue--Operators and Chauffeurs License Fund Account No. 0099;
- General Revenue--Air Control Board Federal Account No. 0102;
- General Revenue--Law Enforcement Officer Standards and Education Fund Account No. 0116;
- General Revenue--Clean Air Fund Account No. 0151;
- General Revenue--Water Resource Management Fund Account No. 0153;
- General Revenue--Unemployment Compensation Special Administration Account No. 0165;
- General Revenue--Federal Civil Defense and Disaster Relief Fund Account No. 0221;
- General Revenue--Texas Southern University Current Account No. 0247;
- General Revenue--Federal Health and Health Lab Funding Excess Revenue Fund Account No. 0273;
- General Revenue--Telecommunications Infrastructure Account No. 0345;
- General Revenue--Compensation to Victims of Crime Fund Account No. 0469;
- General Revenue--Waste Management Account No. 0549;
- General Revenue--Hazardous and Solid Waste Remediation Fees Account No. 0550;
- General Revenue--Petroleum Storage Tank Remediation Fund Account No. 0655;

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- Unemployment Compensation Clearance Account No. 0936;
- General Revenue--Asbestos Removal Licensure Fund Account No. 5017; and
- Workforce Commission Federal Fund Account No. 5026.

Before any claim or judgment may be paid from money appropriated by the Act, the substitute provides that the claim or judgment must be verified and substantiated by the administrator of the special fund or account against which the claim or judgment is to be charged and be approved by the attorney general and the comptroller of public accounts (comptroller). The substitute prohibits the payment of any claim or judgment itemized in the Act that has not been verified and substantiated by the administrator of the special fund or account and approved by the attorney general and the comptroller by August 31, 2008, from money appropriated by the Act.

The substitute provides that each claim or judgment paid from money appropriated by the Act must contain such information as the comptroller requires, but at a minimum must contain the specific reason for the claim or judgment. If the claim is for a void warrant, the claim must include a specific identification of the goods, services, refunds, or other items for which the warrant was originally issued. In addition, it must include a certification by the original payee or the original payee's successors, heirs, or assigns that the debt is still outstanding. The substitute provides that if the claim or judgment is for unpaid goods or services, it must be accompanied by an invoice or other acceptable documentation of the unpaid account and any other information that may be required by the comptroller.

Subject to the conditions and restrictions in the Act and provisions stated in the judgments, the substitute authorizes and directs the comptroller to issue one or more warrants on the state treasury, as soon as possible following the effective date of the Act, in favor of each of the individuals, firms, or corporations named or claim numbers identified in this Act, in an amount not to exceed the amount set opposite their respective names or claim numbers. The substitute requires the comptroller to mail or deliver to each of the individuals, firms, or corporations associated with each claim one or more warrants in payment of all claims included in the Act.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds the provision prohibiting the comptroller of public accounts (comptroller), except as provided by Section 403.074(g), Government Code, from paying a miscellaneous claim in excess of \$50,000, rather than \$25,000, or an aggregate of claims by a single claimant during a biennium in excess of \$50,000, rather than \$25,000. Unless another law provides a period within which a particular claim must be made, a miscellaneous claim may not be made after eight, rather than four years.

The substitute lists additional sums of money to be appropriated for payment of itemized claims and judgments plus interest, if any, against the State of Texas out of General Revenue Fund Account No. 0001.

The substitute lists additional sums of money to be appropriated for payment of itemized claims and judgments plus interest, if any, against the State of Texas out of State Highway Fund No. 0006.

Makes conforming changes.