

By: Chisum

H.B. No. 2635

A BILL TO BE ENTITLED

1 AN ACT

2 relating to directing payment, after approval, of certain
3 miscellaneous claims and judgments against the state out of funds
4 designated by this Act; making appropriations.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 403.074(d)-(e), Government Code, is
7 amended to read as follows:

8 (d) Except as provided by Subsection (g), the comptroller
9 may not pay under this section a single claim in excess of \$100,000
10 [~~\$25,000~~], or an aggregate of claims by a single claimant during a
11 biennium in excess of \$100,000 [~~\$25,000~~]. For the purposes of this
12 subsection, all claims that were originally held by one person are
13 considered held by a single claimant regardless of whether those
14 claims were later transferred.

15 (e) Unless another law provides a period within which a
16 particular claim must be made, a claim may not be made under this
17 section after ten [~~four~~] years from the date on which the claim
18 arose. A claim arises on the day after the last day that payment was
19 due on the original claim. A person who fails to make a claim within
20 the period provided by law waives any right to payment of the claim.

21 SECTION 2. Notwithstanding Section 403.074, Government
22 Code, as amended by this Act, any miscellaneous claim that the
23 comptroller of public accounts forwarded to the Legislative Budget
24 Board on or before January 10, 2007, for payment by the 80th

1 Legislature, Regular Session, 2007, shall be paid from amounts
2 appropriated to the comptroller in Strategy A.1.2, Miscellaneous
3 Claims and from Rider 3 of the comptroller's fiscal programs
4 appropriation, in the General Appropriations Act for the fiscal
5 biennium beginning September 1, 2007.

6 SECTION 3. The following sums of money are appropriated out
7 of the General Revenue Fund Account No. 0001 for payment of the
8 following judgments and settlements plus interest, if any, against
9 the State of Texas:

10 To pay Patricia King for judgment amounts plus interest from
11 November 20, 2000, until paid \$382,414.57

12 To pay Anna M. Abraham for judgment amounts plus interest
13 from November 10, 2004, until paid \$393,776.39

14 To pay Simon Angel Rivera, c/o The Law Offices of Frank T. Ivy
15 & Associates, P.C., for wrongful imprisonment settlement
16 \$25,000.00

17 To pay Frank T. Ivy & Associates, P.C., for wrongful
18 imprisonment settlement for attorney's fees \$7,620.00

19 To pay Nate Stark for wrongful imprisonment settlement for
20 attorney's fees \$7,380.00.

21 SECTION 4. The sum of \$362,632.03 plus interest, if any, is
22 appropriated out of Fund 165 to pay Midfirst Bank for judgment of
23 200th District Court of Travis County issued July 26, 1999.

24 SECTION 5. (a) A claim may be paid under Section 2 of this
25 Act only if before September 1, 2008, the claim is:

26 (1) verified and substantiated by the administrator of
27 the special fund or account against which the claim is to be

1 charged; and

2 (2) approved by the attorney general and the
3 comptroller of public accounts.

4 (b) Except as provided by Subsection (c) or (d) of this
5 section, a claim, judgment, or settlement may be paid under Section
6 2, 3, or 4 of this Act only if the claim, judgment, or settlement:

7 (1) contains or is supported by the information that
8 the comptroller of public accounts requires; and

9 (2) specifies the exact reason for the claim,
10 judgment, or settlement.

11 (c) A claim concerning a void warrant may be paid under
12 Section 2, 3, or 4 of this Act only if the claim:

13 (1) specifically identifies the goods, services,
14 refunds, or other items for which the original warrant was issued;
15 and

16 (2) includes a certification by the original payee or
17 the original payee's successors, heirs, or assigns that the claim
18 remains outstanding.

19 (d) A claim, judgment, or settlement concerning unpaid
20 goods or services may be paid under Section 2, 3, or 4 of this Act
21 only if the claim, judgment, or settlement is accompanied by an
22 invoice or other supporting documentation acceptable to the
23 comptroller of public accounts.

24 SECTION 6. As provided by Sections 2-5 of this Act and
25 subject to any applicable conditions or restrictions concerning the
26 claims, judgments, and settlements to be paid under those sections,
27 the comptroller of public accounts is directed to issue warrants on

1 the state treasury, as soon as possible following the effective
2 date of this Act, in favor of each of the individuals, firms, and
3 corporations listed in this Act or included in the listing of
4 miscellaneous claims forwarded by the comptroller to the
5 Legislative Budget Board on or before January 10, 2007. The amount
6 of the warrants may not exceed the amounts set opposite the payees'
7 respective names as listed in this Act or included in the listing of
8 miscellaneous claims forwarded by the comptroller. The comptroller
9 shall mail or deliver those warrants to the payees.

10 SECTION 7. This Act takes effect September 1, 2007.