

AN ACT

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

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

SECTION 1. The following sums of money are appropriated out of the General Revenue Fund Account No. 0001 for payment of itemized claims and judgments plus interest, if any, against the State of Texas:

To pay Hilliard Munoz Gonzalez, LLP, the following amount payable under the conditional settlement agreement made after mediation in Inez Baltazar Hernandez, et al. v. Texas Department of Aging and Disability Services, et al., Civil Action No. 2:09-CV-00163, in the United States District Court for the Southern District of Texas, Corpus Christi Division, from which attorney's fees, litigation expenses, and court costs shall be deducted, with the remainder to be placed into five separate subaccounts in the Arc of Texas Master Pooled Trust, for the benefit of Armando Hernandez, Jr., David P. Hernandez, George Brazil, Angel Jose Mata, and Christopher Norris for a total appropriation of \$1,200,000.00

To pay Sawicki & Lauten, LLP, attorney's fees in connection with the settlement of claims in Farhat Chishty v. Texas Department of Aging and Disability Services, et al., Cause No. 2011-20160-158, 158th Judicial District Court, Denton County, Texas, for a total

1 appropriation of \$500,000.00

2 To fund the corpus of a Special Needs Trust for the benefit of
3 Haseeb Chishty, the following amount payable under the conditional
4 settlement agreement made after mediation in the case of Farhat
5 Chishty v. Texas Department of Aging and Disability Services, et
6 al., Cause No. 2011-20160-158, 158th Judicial District Court,
7 Denton County, Texas, with that settlement agreement containing the
8 following conditions: that on the death of Haseeb Chishty, the
9 remaining corpus be paid to the State of Texas; that the Special
10 Needs Trust be administered by an independent trustee not related
11 to the Chishty family; and on any other conditions as the Texas
12 Attorney General and Texas Department of Aging and Disability
13 Services shall agree, for a total appropriation of \$3,500,000.00

14 To pay Christopher Koustoubardis and his attorney Don Tittle
15 in a case involving a whistleblower judgment (plus 5 percent
16 interest) from November 22, 2010, until paid in the case of
17 Christopher Koustoubardis v. Texas Youth Commission (now known as
18 the Texas Juvenile Justice Department), Cause No. DC-08-15532,
19 101st Judicial District Court, Dallas County, Texas, Attorney
20 General No. 093096832, for a total appropriation of \$959,668.97

21 To pay Educare Community Living Corporation Texas under the
22 settlement agreement in Educare Community Living Corporation Texas
23 v. Texas Department of Aging and Disability Services, Cause No.
24 11-0712-K, Appeals Division, Health and Human Services Commission,
25 for a total appropriation of \$280,921.40

26 To pay confidential payee for claim number 94M10308 for
27 replacement of a void warrant for a tax refund issued April 4,

1 2002 \$119.10
2 To pay confidential payee for claim number 94M10421 for
3 replacement of void warrants for tax refunds issued in July, 1997,
4 and April, 2001 \$424.63
5 To pay confidential payee for claim number 94M10479 for
6 replacement of a void warrant for a tax refund issued in May,
7 2001 \$23,171.60
8 To pay confidential payee for claim number 94M10484 for
9 replacement of a void payroll warrant issued in May, 2002 \$338.96
10 To pay confidential payee for claim number 94M20034 for
11 replacement of a void warrant for a tax refund issued in January,
12 2009 \$275,000.00
13 To pay confidential payee for claim number 94M20067 for
14 replacement of a void warrant for a tax refund issued in July,
15 2004 \$602.42
16 To pay confidential payee for claim number 94M20161 for
17 replacement of a void payroll warrant issued in August, 1996 \$94.54
18 To pay confidential payee for claim number 94M20170 for
19 replacement of a void warrant for a tax refund issued in July,
20 2000 \$343.59
21 To pay confidential payee for claim number 94M20521 for
22 replacement of seventeen void payroll warrants issued from January,
23 1998, to May, 1999 \$13,422.83
24 To pay confidential payee for claim number 94M20524 for
25 replacement of a void warrant for a tax refund issued in April,
26 2003 \$52.00
27 To pay confidential payee for claim number 94M20527 for

1 replacement of a void warrant for a tax refund issued in March,
2 2001 \$225.49
3 To pay confidential payee for claim number 94M30025 for
4 replacement of a void warrant for a tax refund issued in July,
5 2010 \$144,030.72
6 To pay confidential payee for claim number 94M30226 for
7 replacement of a void warrant for a tax refund issued in May,
8 2008 \$338,631.36
9 To pay confidential payee for claim number 95M30005 for
10 replacement of a void warrant for a tax refund issued in March,
11 2010 \$54,991.08
12 To pay confidential payee for claim number 95M30009 for
13 replacement of a void warrant for a tax refund issued in January,
14 2010 \$82,984.53
15 To pay confidential payee for claim number 95M30021 for
16 replacement of a void payroll warrant issued in June, 2004 \$120.76
17 To pay James P. Ford for replacement of warrants issued from
18 November, 1998, to January, 1999 \$300.00
19 To pay Ralph N. Lester for replacement of a warrant issued in
20 December, 1985 \$75.00
21 To pay Victoria Suarez for replacement of a warrant issued in
22 March, 2000 \$475.00
23 To pay Lindy Levit for replacement of a warrant issued in May,
24 2002 \$279.63
25 To pay TIBH Industries, Inc., for temporary services provided
26 in July, 2010 (invoice number 682623; order number 00413651) \$273.90
27 To pay TIBH Industries, Inc., for temporary services provided

1 in June, 2010 (invoice number 680615; order number 00411689) \$773.64

2 To pay TIBH Industries, Inc., for temporary services provided
3 in February, 2010 (invoice number 660442; order number
4 00392417) \$642.02

5 To pay TIBH Industries, Inc., for temporary services provided
6 in January, 2010 (invoice number 652240; order number
7 00385146) \$744.77

8 To pay Golden Age Management Company, LLC, DBA Golden Age
9 Manor Nursing Services, for nursing home services performed between
10 August, 2009, and August, 2010 \$27,087.61

11 To pay Graceland Personal Care Home, Inc., for
12 community-based services performed between July, 2008, and July,
13 2009 \$31,643.37

14 To pay Katherine A. Hunter for replacement of a void warrant
15 issued in June, 2000 \$39.19

16 To pay D&S Residential Services, LP, for community-based
17 alternative services performed between September, 2008, and
18 November, 2008 \$61,029.90

19 SECTION 2. The following sums of money are appropriated out
20 of the State Highway Fund No. 0006 for payment of itemized claims
21 and judgments plus interest, if any, against the State of Texas:

22 To pay Teleport Communications Houston, Inc., for utility
23 adjustment of fiber cable completed in February, 2005 \$97,416.10

24 To pay City of Grapevine for the Oak Grove Trail Project from
25 February, 2003, to September, 2007 \$51,185.50

26 To pay City of Dallas for the acquisition of land for parcel
27 number 3 and appraisal work performed on or near February 1,

1 2003 \$31,415.20
2 To pay City of Dallas Public Works and Transportation for the
3 Katy Trail Extension Phase II from December, 2001, to May,
4 2006 \$30,896.22
5 To pay TVMAX Houston, LP, for utility adjustment performed
6 from September, 2006, to August, 2007 \$161,564.90
7 To pay TVMAX Houston, LP, for utility adjustment under
8 utility agreement U8257 from September, 2007, to August,
9 2008 \$110,496.77
10 To pay TVMAX Houston, LP, for utility adjustment under
11 utility agreement U8269 from September, 2007, to August,
12 2008 \$119,548.30
13 To pay County of Dallas Public Works Department for
14 professional engineering services performed from June, 1996, to
15 August, 1996 \$49,749.29
16 To pay County of Dallas Public Works Department for
17 professional engineering services performed from February, 2002,
18 to February, 2003 \$2,698.69
19 To pay County of Dallas Public Works Department for
20 professional engineering services performed from February, 2001,
21 to April, 2001 \$3,808.80
22 To pay County of Dallas Public Works Department for
23 professional engineering services performed from October, 1996, to
24 December, 1996 \$16,149.22
25 To pay City of Frisco for utility adjustment from September,
26 2004, to August, 2005 \$274,710.00
27 To pay City of Sinton for claim number 94M20421 for utility

1 adjustment from December, 2007, to February, 2008 \$87,025.10
2 To pay Entergy Texas, Inc., for utility adjustment from
3 September, 2007, to August, 2008 \$607,808.67
4 To pay Energy Transfer Fuel, LP, for utility adjustment from
5 January, 2008, to August, 2008 \$370,136.25
6 To pay CPS Energy for utility adjustment from October, 2002,
7 to January, 2004 \$271,709.62
8 To pay Southwestern Bell Telephone Company for utility
9 adjustment from October, 2007, to November, 2008 \$455,965.56
10 To pay confidential payee for claim number 94M20546 for
11 replacement of a void net payroll warrant issued on October 1,
12 2003 \$57.71
13 To pay City of Grand Prairie for fiscal year 2003
14 reimbursement for land and title on parcel number 14 \$2,038.20
15 To pay City of Grand Prairie for reimbursement for land and
16 title on parcel number 18 on December 2, 2003 \$887.52
17 To pay City of Grand Prairie for reimbursement for land and
18 title on parcel number 16 on December 27, 2001 \$8,725.19
19 To pay City of Grand Prairie for reimbursement for land and
20 title on parcel number 25TE on May 15, 2003 \$1,583.95
21 To pay City of Edinburg for reimbursement for land
22 acquisition for parcel number 83 on March 8, 2001 \$2,360.67
23 To pay Upshur Rural Electric Cooperative for utility
24 adjustment on parcel U11763 \$30,619.22
25 To pay AT&T for utility adjustment under utility agreement
26 U8087 for relocated telephone facilities along Interstate Highway
27 10 from south of Bellaire Boulevard to south of Westpark in

1 December, 2005 \$113,995.96

2 To pay AT&T for utility adjustment work under utility
3 agreement U10563 on Interstate Highway 410, Austin Highway to
4 Nacogdoches Road, for widening project from December, 2005, to
5 March, 2009 \$2,965,114.19

6 To pay AT&T for utility adjustment work from December, 2005,
7 to July, 2009 \$294,160.75

8 To pay AT&T for utility adjustment work from August, 2006, to
9 November, 2008 \$1,132,424.96

10 SECTION 3. The following sums of money are appropriated out
11 of the Unemployment Compensation Clearance Account No. 0936 for
12 payment of itemized claims and judgments plus interest, if any,
13 against the State of Texas:

14 To pay Gold's Texas GP, Inc., for replacement of a void
15 surplus tax credit warrant issued September 20, 2007 \$63,864.86

16 To pay Terri G. Edgmon for replacement of a void surplus tax
17 credit warrant issued December 20, 2001 \$135.95

18 SECTION 4. The following sums of money are appropriated out
19 of the Lottery Account No. 5025 for payment of itemized claims and
20 judgments plus interest, if any, against the State of Texas:

21 To pay Joyce Ivy for lottery winnings held in error on March
22 14, 2001 \$263.97

23 SECTION 5. (a) Before any claim or judgment may be paid
24 from money appropriated by this Act, the claim or judgment must be
25 verified and substantiated by the administrator of the special fund
26 or account against which the claim or judgment is to be charged and
27 be approved by the attorney general and the comptroller of public

1 accounts. Any claim or judgment itemized in this Act that has not
2 been verified and substantiated by the administrator of the special
3 fund or account and approved by the attorney general and the
4 comptroller by August 31, 2015, may not be paid from money
5 appropriated by this Act.

6 (b) Each claim or judgment paid from money appropriated by
7 this Act must contain such information as the comptroller of public
8 accounts requires but at a minimum must contain the specific reason
9 for the claim or judgment. If the claim is for a void warrant, the
10 claim must include a specific identification of the goods,
11 services, refunds, or other items for which the warrant was
12 originally issued. In addition, it must include a certification by
13 the original payee or the original payee's successors, heirs, or
14 assigns that the debt is still outstanding. If the claim or
15 judgment is for unpaid goods or services, it must be accompanied by
16 an invoice or other acceptable documentation of the unpaid account
17 and any other information that may be required by the comptroller.

18 SECTION 6. Subject to the conditions and restrictions in
19 this Act and provisions stated in the judgments, the comptroller of
20 public accounts is authorized and directed to issue one or more
21 warrants on the state treasury, as soon as possible following the
22 effective date of this Act, in favor of each of the individuals,
23 firms, or corporations named or claim numbers identified in this
24 Act, in an amount not to exceed the amount set opposite their
25 respective names or claim numbers and shall mail or deliver to each
26 of the individuals, firms, or corporations associated with each
27 claim one or more warrants in payment of all claims included in this

1 Act.

2 SECTION 7. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 3188 was passed by the House on April 20, 2013, by the following vote: Yeas 145, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3188 on May 24, 2013, by the following vote: Yeas 145, Nays 0, 2 present, not voting; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Chief Clerk of the House

I certify that H.B. No. 3188 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 31, Nays 0; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Secretary of the Senate

H.B. No. 3188

I certify that the amounts appropriated in the herein H.B. No. 3188, Regular Session of the 83rd Legislature, are within amounts estimated to be available in the affected fund.

Certified _____

Comptroller of Public Accounts

APPROVED: _____

Date

Governor