By: Otto

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5

H.B. No. 3188

A BILL TO BE ENTITLED

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.

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

6 SECTION 1. The following sums of money are appropriated out 7 of the General Revenue Fund Account No. 0001 for payment of itemized 8 claims and judgments plus interest, if any, against the State of 9 Texas:

To pay Hilliard Munoz Gonzalez, LLP, the following amount 10 payable under the conditional settlement agreement made after 11 12 mediation in Inez Baltazar Hernandez, et al. v. Texas Department of Aging and Disability Services, et al., Civil Action No. 13 14 2:09-CV-00163, in the United States District Court for the Southern District of Texas, Corpus Christi Division, from which attorney's 15 16 fees, litigation expenses, and court costs shall be deducted, with the remainder to be placed into five separate subaccounts in the Arc 17 of Texas Master Pooled Trust, for the benefit of Armando Hernandez, 18 Jr., David P. Hernandez, George Brazil, Angel Jose Mata, and 19 \$1,200,000.00 20 Christopher Norris for a total appropriation of 21 To pay Sawicki & Lauten, LLP, attorney's fees in connection with the settlement of claims in Farhat Chishty v. Texas Department 22 23 of Aging and Disability Services, et al., Cause No. 2011-20160-158, 158th Judicial District Court, Denton County, Texas, for a total 24

1 appropriation of

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\$500,000.00

To fund the corpus of a Special Needs Trust for the benefit of 2 3 Haseeb Chishty, the following amount payable under the conditional settlement agreement made after mediation in the case of Farhat 4 5 Chishty v. Texas Department of Aging and Disability Services, et al., Cause No. 2011-20160-158, 158th Judicial District Court, 6 Denton County, Texas, with that settlement agreement containing the 7 8 following conditions: that on the death of Haseeb Chishty, the remaining corpus be paid to the State of Texas; that the Special 9 Needs Trust be administered by an independent trustee not related 10 to the Chishty family; and on any other conditions as the Texas 11 Attorney General and Texas Department of Aging and Disability 12 Services shall agree, for a total appropriation of \$3,500,000.00 13 14 To pay Christopher Koustoubardis and his attorney Don Tittle in a case involving a whistleblower judgment (plus 5 percent 15 interest) from November 22, 2010, until paid in the case of 16 17 Christopher Koustoubardis v. Texas Youth Commission (now known as the Texas Juvenile Justice Department), Cause No. DC-08-15532, 18 19 101st Judicial District Court, Dallas County, Texas, Attorney General No. 093096832, for a total appropriation of 20 \$959,668.97 21 To pay confidential payee for claim number 94M10308 for replacement of a void warrant for a tax refund issued April 4, 22 23 2002 \$119.10 24 To pay confidential payee for claim number 94M10421 for replacement of void warrants for tax refunds issued in July, 1997, 25 26 and April, 2001 \$424.63 To pay confidential payee for claim number 94M10479 for 27

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H.B. No. 3188 1 in January, 2010 (invoice number 652240; order number 00385146) 2 \$744.77 To pay Golden Age Management Company, LLC, DBA Golden Age 3 Manor Nursing Services, for nursing home services performed between 4 5 August, 2009, and August, 2010 \$27,087.61 pay Graceland Personal Care Home, Inc., for 6 То 7 community-based services performed between July, 2008, and July, 8 2009 \$31,643.37 9 To pay Katherine A. Hunter for replacement of a void warrant 10 issued in June, 2000 \$39.19 To pay D&S Residential Services, LP, for community-based 11 12 alternative services performed between September, 2008, and November, 2008 13 \$61,029.90 14 SECTION 2. The following sums of money are appropriated out 15 of the State Highway Fund No. 0006 for payment of itemized claims and judgments plus interest, if any, against the State of Texas: 16 17 To pay Teleport Communications Houston, Inc., for utility adjustment of fiber cable completed in February, 2005 18 \$97,416.10 19 To pay City of Grapevine for the Oak Grove Trail Project from February, 2003, to September, 2007 20 \$51,185.50 21 To pay City of Dallas for the acquisition of land for parcel number 3 and appraisal work performed on or near February 1, 22 23 2003 \$31,415.20 24 To pay City of Dallas Public Works and Transportation for the Trail Extension Phase II from December, 2001, to May, 25 Katy 26 2006 \$30,896.22 To pay TVMAX Houston, LP, for utility adjustment performed 27

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1To pay AT&T for utility adjustment work from December, 2005,2to July, 2009\$294,160.75

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

5 SECTION 3. The following sums of money are appropriated out 6 of the Unemployment Compensation Clearance Account No. 0936 for 7 payment of itemized claims and judgments plus interest, if any, 8 against the State of Texas:

9 To pay Gold's Texas GP, Inc., for replacement of a void 10 surplus tax credit warrant issued September 20, 2007 \$63,864.86

11To pay Terri G. Edgmon for replacement of a void surplus tax12credit warrant issued December 20, 2001\$135.95

13 SECTION 4. The following sums of money are appropriated out 14 of the Lottery Account No. 5025 for payment of itemized claims and 15 judgments plus interest, if any, against the State of Texas:

16To pay Joyce Ivy for lottery winnings held in error on March1714,2001\$263.97

SECTION 5. (a) Before any claim or judgment may be paid 18 19 from money appropriated by this Act, the claim or judgment must be verified and substantiated by the administrator of the special fund 20 or account against which the claim or judgment is to be charged and 21 be approved by the attorney general and the comptroller of public 22 23 accounts. Any claim or judgment itemized in this Act that has not 24 been verified and substantiated by the administrator of the special fund or account and approved by the attorney general and the 25 26 comptroller by August 31, 2015, may not be paid from money appropriated by this Act. 27

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1 (b) Each claim or judgment paid from money appropriated by this Act must contain such information as the comptroller of public 2 3 accounts requires but at a minimum must contain the specific reason for the claim or judgment. If the claim is for a void warrant, the 4 5 claim must include a specific identification of the goods, services, refunds, or other items for which the warrant was 6 originally issued. In addition, it must include a certification by 7 8 the original payee or the original payee's successors, heirs, or If the claim or assigns that the debt is still outstanding. 9 10 judgment is for unpaid goods or services, it must be accompanied by an invoice or other acceptable documentation of the unpaid account 11 12 and any other information that may be required by the comptroller.

SECTION 6. Subject to the conditions and restrictions in 13 14 this Act and provisions stated in the judgments, the comptroller of public accounts is authorized and directed to issue one or more 15 warrants on the state treasury, as soon as possible following the 16 17 effective date of this Act, in favor of each of the individuals, firms, or corporations named or claim numbers identified in this 18 19 Act, in an amount not to exceed the amount set opposite their respective names or claim numbers and shall mail or deliver to each 20 of the individuals, firms, or corporations associated with each 21 claim one or more warrants in payment of all claims included in this 22 23 Act.

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