

SENATE AMENDMENTS

2nd Printing

By: Otto

H.B. No. 3188

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. 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:

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

21 To pay Sawicki & Lauten, LLP, attorney's fees in connection
22 with the settlement of claims in Farhat Chishty v. Texas Department
23 of Aging and Disability Services, et al., Cause No. 2011-20160-158,
24 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 confidential payee for claim number 94M10308 for
22 replacement of a void warrant for a tax refund issued April 4,
23 2002 \$119.10

24 To pay confidential payee for claim number 94M10421 for
25 replacement of void warrants for tax refunds issued in July, 1997,
26 and April, 2001 \$424.63

27 To pay confidential payee for claim number 94M10479 for

1 replacement of a void warrant for a tax refund issued in May,
2 2001 \$23,171.60
3 To pay confidential payee for claim number 94M10484 for
4 replacement of a void payroll warrant issued in May, 2002 \$338.96
5 To pay confidential payee for claim number 94M20034 for
6 replacement of a void warrant for a tax refund issued in January,
7 2009 \$275,000.00
8 To pay confidential payee for claim number 94M20067 for
9 replacement of a void warrant for a tax refund issued in July,
10 2004 \$602.42
11 To pay confidential payee for claim number 94M20161 for
12 replacement of a void payroll warrant issued in August, 1996 \$94.54
13 To pay confidential payee for claim number 94M20170 for
14 replacement of a void warrant for a tax refund issued in July,
15 2000 \$343.59
16 To pay confidential payee for claim number 94M20521 for
17 replacement of seventeen void payroll warrants issued from January,
18 1998, to May, 1999 \$13,422.83
19 To pay confidential payee for claim number 94M20524 for
20 replacement of a void warrant for a tax refund issued in April,
21 2003 \$52.00
22 To pay confidential payee for claim number 94M20527 for
23 replacement of a void warrant for a tax refund issued in March,
24 2001 \$225.49
25 To pay confidential payee for claim number 94M30025 for
26 replacement of a void warrant for a tax refund issued in July,
27 2010 \$144,030.72

1 in January, 2010 (invoice number 652240; order number
2 00385146) \$744.77

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

6 To pay Graceland Personal Care Home, Inc., for
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

11 To pay D&S Residential Services, LP, for community-based
12 alternative services performed between September, 2008, and
13 November, 2008 \$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
16 and judgments plus interest, if any, against the State of Texas:

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

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

21 To pay City of Dallas for the acquisition of land for parcel
22 number 3 and appraisal work performed on or near February 1,
23 2003 \$31,415.20

24 To pay City of Dallas Public Works and Transportation for the
25 Katy Trail Extension Phase II from December, 2001, to May,
26 2006 \$30,896.22

27 To pay TVMAX Houston, LP, for utility adjustment performed

| | | |
|----|--|--------------|
| 1 | from September, 2006, to August, 2007 | \$161,564.90 |
| 2 | To pay TVMAX Houston, LP, for utility adjustment under | |
| 3 | utility agreement U8257 from September, 2007, to August, | |
| 4 | 2008 | \$110,496.77 |
| 5 | To pay TVMAX Houston, LP, for utility adjustment under | |
| 6 | utility agreement U8269 from September, 2007, to August, | |
| 7 | 2008 | \$119,548.30 |
| 8 | To pay County of Dallas Public Works Department for | |
| 9 | professional engineering services performed from June, 1996, to | |
| 10 | August, 1996 | \$49,749.29 |
| 11 | To pay County of Dallas Public Works Department for | |
| 12 | professional engineering services performed from February, 2002, | |
| 13 | to February, 2003 | \$2,698.69 |
| 14 | To pay County of Dallas Public Works Department for | |
| 15 | professional engineering services performed from February, 2001, | |
| 16 | to April, 2001 | \$3,808.80 |
| 17 | To pay County of Dallas Public Works Department for | |
| 18 | professional engineering services performed from October, 1996, to | |
| 19 | December, 1996 | \$16,149.22 |
| 20 | To pay City of Frisco for utility adjustment from September, | |
| 21 | 2004, to August, 2005 | \$274,710.00 |
| 22 | To pay City of Sinton for claim number 94M20421 for utility | |
| 23 | adjustment from December, 2007, to February, 2008 | \$87,025.10 |
| 24 | To pay Entergy Texas, Inc., for utility adjustment from | |
| 25 | September, 2007, to August, 2008 | \$607,808.67 |
| 26 | To pay Energy Transfer Fuel, LP, for utility adjustment from | |
| 27 | January, 2008, to August, 2008 | \$370,136.25 |

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

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

11 To pay Terri G. Edgmon for replacement of a void surplus tax
12 credit 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:

16 To pay Joyce Ivy for lottery winnings held in error on March
17 14, 2001 \$263.97

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

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

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

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

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 22 2013

BY: 


Secretary of the Senate

1 Amend H.B. No. 3188 (senate committee printing) in SECTION
2 1 of the bill (page 2, between lines 6 and 7) by inserting the
3 following:

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

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 23, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3188 by Otto (Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3188, As Passed 2nd House: a negative impact of (\$7,498,508) through the biennium ending August 31, 2015.

Appropriations:

| Fiscal Year | Appropriation out of <i>General Revenue Fund</i> 1 | Appropriation out of <i>State Highway Fund</i> 6 | Appropriation out of <i>Lottery Acct</i> 5025 | Appropriation out of <i>Unemploynt Comp</i> <i>Clearance</i> 936 |
|-------------|--|--|---|---|
| 2014 | \$7,498,508 | \$7,294,253 | \$264 | \$64,001 |
| 2015 | \$0 | \$0 | \$0 | \$0 |

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|---|
| 2014 | (\$7,498,508) |
| 2015 | \$0 |
| 2016 | \$0 |
| 2017 | \$0 |
| 2018 | \$0 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable (Cost) from General Revenue Fund 1 | Probable (Cost) from State Highway Fund 6 | Probable (Cost) from Lottery Acct 5025 | Probable (Cost) from Unemploynt Comp Clearance 936 |
|--------------------|--|--|---|---|
| 2014 | (\$7,498,508) | (\$7,294,253) | (\$264) | (\$64,001) |
| 2015 | \$0 | \$0 | \$0 | \$0 |
| 2016 | \$0 | \$0 | \$0 | \$0 |
| 2017 | \$0 | \$0 | \$0 | \$0 |
| 2018 | \$0 | \$0 | \$0 | \$0 |

Fiscal Analysis

The bill would make appropriations from General Revenue Fund 0001, from GR Account 5025 Lottery, and from other funds to pay miscellaneous claims and judgments against the state.

This bill would take effect September 1, 2013.

Methodology

The cost to Fund 0001, GR Account 5025, and the other funds would be the increased appropriation authority in fiscal 2014 to pay the specific claims and judgments that would be settled by this bill.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: UP, KK, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 2, 2013

TO: Honorable Tommy Williams, Chair, Senate Committee on Finance

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3188 by Otto (Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3188, As Engrossed: a negative impact of (\$7,217,587) through the biennium ending August 31, 2015.

Appropriations:

| Fiscal Year | Appropriation out of <i>General Revenue Fund</i> 1 | Appropriation out of <i>State Highway Fund</i> 6 | Appropriation out of <i>Lottery Acct</i> 5025 | Appropriation out of <i>Unemployment Comp</i> <i>Clearance</i> 936 |
|-------------|--|--|---|---|
| 2014 | \$7,217,587 | \$7,294,253 | \$264 | \$64,001 |
| 2015 | \$0 | \$0 | \$0 | \$0 |

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|---|
| 2014 | (\$7,217,587) |
| 2015 | \$0 |
| 2016 | \$0 |
| 2017 | \$0 |
| 2018 | \$0 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable (Cost) from General Revenue Fund 1 | Probable (Cost) from State Highway Fund 6 | Probable (Cost) from Lottery Acct 5025 | Probable (Cost) from Unemployment Comp Clearance 936 |
|--------------------|--|--|---|---|
| 2014 | (\$7,217,587) | (\$7,294,253) | (\$264) | (\$64,001) |
| 2015 | \$0 | \$0 | \$0 | \$0 |
| 2016 | \$0 | \$0 | \$0 | \$0 |
| 2017 | \$0 | \$0 | \$0 | \$0 |
| 2018 | \$0 | \$0 | \$0 | \$0 |

Fiscal Analysis

The bill would make appropriations from General Revenue Fund 0001, from GR Account 5025—Lottery, and from other funds to pay miscellaneous claims and judgments against the state.

This bill would take effect September 1, 2013.

Methodology

The cost to Fund 0001, GR Account 5025, and the other funds would be the increased appropriation authority in fiscal 2014 to pay the specific claims and judgments that would be settled by this bill.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: UP, KK, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 1, 2013

TO: Honorable Jim Pitts, Chair, House Committee on Appropriations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3188 by Otto (Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3188, As Introduced: a negative impact of (\$7,217,587) through the biennium ending August 31, 2015.

Appropriations:

| Fiscal Year | Appropriation out of <i>General Revenue Fund</i> 1 | Appropriation out of <i>State Highway Fund</i> 6 | Appropriation out of <i>Lottery Acct</i> 5025 | Appropriation out of <i>Unemploynt Comp</i> <i>Clearance</i> 936 |
|-------------|--|--|---|---|
| 2014 | \$7,217,587 | \$7,294,253 | \$264 | \$64,001 |
| 2015 | \$0 | \$0 | \$0 | \$0 |

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|---|
| 2014 | (\$7,217,587) |
| 2015 | \$0 |
| 2016 | \$0 |
| 2017 | \$0 |
| 2018 | \$0 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable (Cost) from General Revenue Fund 1 | Probable (Cost) from State Highway Fund 6 | Probable (Cost) from Lottery Acct 5025 | Probable (Cost) from Unemploynt Comp Clearance 936 |
|--------------------|--|--|---|---|
| 2014 | (\$7,217,587) | (\$7,294,253) | (\$264) | (\$64,001) |
| 2015 | \$0 | \$0 | \$0 | \$0 |
| 2016 | \$0 | \$0 | \$0 | \$0 |
| 2017 | \$0 | \$0 | \$0 | \$0 |
| 2018 | \$0 | \$0 | \$0 | \$0 |

Fiscal Analysis

The bill would make appropriations from General Revenue Fund 0001, from GR Account 5025—Lottery, and from other funds to pay miscellaneous claims and judgments against the state.

This bill would take effect September 1, 2013.

Methodology

The cost to Fund 0001, GR Account 5025, and the other funds would be the increased appropriation authority in fiscal 2014 to pay the specific claims and judgments that would be settled by this bill.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: UP, KK, SD