

BILL ANALYSIS

Senate Research Center

S.B. 1719
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Finance
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, judgments greater than the threshold set in Section 6.22 (Judgments and Settlements), Article 9, of the General Appropriations Act for the Fiscal Year 2006-2007, single claims or aggregates of claims by a single claimant in excess of \$25,000 as set out in Section 403.074(d) (regarding limits on miscellaneous claims), Government Code, or claims made more than four years from the date that the claim arises as set out in Section 403.074(e) (regarding waiving of right to miscellaneous claims past four years), Government Code, remain outstanding and are required to be paid by the state. However, these claims are required to be approved by the legislature before any payments are made.

S.B. 1719 provides for direct payment of certain miscellaneous claims and judgments against the state and provides specific appropriations for certain categories of claims, settlements, and judgments.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 403.074(d) and (e), Government Code, as follows:

(d) Prohibits the comptroller of public accounts (comptroller) from paying under this section (Miscellaneous Claims) a single 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.

(e) Prohibits a claim from being made under this section after eight, rather than four, years from the date on which the claim arose, unless another law provides a period within which a particular claim must be made.

SECTION 2. Amends Section 103.051, Civil Practice and Remedies Code, by amending Subsection (a) and adding Subsection (b-1), as follows:

(a) Deletes the requirement for a claimant to file with the comptroller's judiciary section a certification of the claimant's actual innocence of the crime for which the claimant was sentenced that is signed by the attorney representing the state in the prosecution of felonies in the county in which the sentence was rendered in order to apply for compensation under this subchapter (regarding administrative proceeding for compensation to persons wrongly imprisoned).

(b-1) Requires the comptroller, in determining the eligibility of a claimant, to consider only the verified copy of the pardon or court order filed by the claimant under Subsection (a). Requires the comptroller to deny the claim if the pardon or court order does not clearly indicate on its face that the pardon or the court order was granted or rendered on the basis of the claimant's actual innocence of the crime for which the claimant was sentenced. Provides that the comptroller's duty to determine the eligibility of a claimant under this section is purely ministerial.

SECTIONS 3-25. Sets forth specific supplemental appropriations from certain state or state agency funds for the payment of certain miscellaneous claims and judgments against the state.

SECTION 26. (a) Requires a claim or judgment, before any claim or judgment is authorized to be paid from money appropriated by this Act, to 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. Prohibits the payment of any claim or judgment itemized in this Act, from money appropriated by this Act, that has not been verified or substantiated and approved as provided by this subsection.

(b) Requires each claim or judgment paid from money appropriated by this Act to contain such information as the comptroller requires but at a minimum to contain the specific reason for the claim or judgment. Requires the claim for a void warrant to include a specific identification of the goods, services, refunds, or other items for which the warrant was originally issued. Requires the claim for a void warrant to additionally include a certification by the original payee or the original payee's successors, heirs, or assigns that the debt is still outstanding. Requires a claim or judgment for unpaid goods or services to be accompanied by an invoice or other acceptable documentation of the unpaid account and any other information required by the comptroller.

SECTION 27. Authorizes and directs the comptroller to issue one or more warrants on the state treasury, subject to the conditions and restrictions in this Act and provisions stated in the judgments, as soon as possible following the effective date of this 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. 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 this Act.

SECTION 28. Makes application of Section 103.051, Civil Practice and Remedies Code, as amended by this Act, prospective.

SECTION 29. Effective date: September 1, 2007.