

BILL ANALYSIS

Senate Research Center
77R4415 JJT-F

S.B. 1091
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Finance
3/30/2001
As Filed

DIGEST AND PURPOSE

Currently, Article IX, Section 9-6.34, of the General Appropriations Act appears to conflict with Chapter 109, Civil Practice and Remedies Code, because Chapter 109 provides that the comptroller is to charge the amount of a claim against the appropriations to the agency, not to exceed \$5,000 or five percent of the agency's appropriations and the General Appropriations Act provides that it may not exceed \$10,000 or twenty-five percent. As proposed, S.B. 1091 reconciles the differences between the General Appropriations Act and Chapter 109 of the Civil Practices and Remedies Code with regard to payment of claims by a state agency.

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 Section 109.004, Civil Practice and Remedies Code, as follows:

Sec. 109.004. New heading: PAYMENT OF CLAIM FROM APPROPRIATION TO AGENCY. (a) Authorizes a state agency, subject to Subsections (b)-(d), to pay a claim subject to this chapter only from money appropriated to that agency in the General Appropriations Act. Deletes language requiring the comptroller to reduce the amount of each appropriation made to pay a claim subject to this chapter.

(b) Changes reference from "reduction in the appropriation for" to "amount paid under this section by." Adds language relating to a limitation imposed by the General Appropriations Act on the amount that may be paid by the agency on a particular claim. Deletes the specific amount of \$5,000 relating to the prohibition of the amount paid under this section by a state agency from exceeding that amount.

(c) Makes conforming changes.

(d) Adds language providing that a limitation imposed by the General Appropriations Act on amounts that may be paid under this section does not apply to money specifically appropriated by the legislature to pay a claim.

SECTION 2. Amends Section 109.005(a), Civil Practice and Remedies Code, to delete language relating to the comptroller notifying an affected state agency in regards to the amount of any reduction made under Section 109.004.

SECTION 3. Effective date: September 1, 2001.