

- SUBJECT:** Appropriations for miscellaneous claims and judgments
- COMMITTEE:** Appropriations — committee substitute recommended
- VOTE:** 18 ayes — Pitts, Raymond, Aycock, F. Brown, Chavez, Cohen, Creighton, Crownover, Driver, Dukes, Edwards, Eiland, Flores, Hochberg, McClendon, Morrison, Otto, Riddle
- 0 nays
- 9 absent — Button, Darby, Giddings, Herrero, Isett, S. King, D. Miller, Villarreal, Zerwas
- WITNESSES:** None
- BACKGROUND:** Since the late 1970s, every general appropriations act has contained a rider prohibiting the use of general revenue to pay any judgment or settlement against the state unless the funds are appropriated specifically for such purposes. For fiscal 2008-09, this provision is located in Art. 9, sec. 16.02 of HB 1 by Chisum, the general appropriations act enacted by the 80th Legislature in 2007.
- DIGEST:** CSHB 2729 would appropriate money from various accounts to pay outstanding claims and judgments against the state, which would be listed individually. The bill would appropriate a total of \$6.7 million from general revenue, \$5.6 million from the state highway fund, and \$336,537 from general revenue account solid waste disposal fees no. 5000.
- Before any claim or judgment could be paid, the claim or judgment would have to be verified and substantiated by the administrator of the special fund or account and be approved by the attorney general and the comptroller by August 31, 2010.
- The bill would take effect September 1, 2009.
- SUPPORTERS SAY:** CSHB 2729 is the bill routinely filed each session to appropriate the money to pay those whose have been awarded a judgment against the state and various other unpaid claims and charges. Those who are legally

entitled to these funds cannot receive them unless and until the Legislature appropriates the funds. Payments would range from a few dollars to \$2.68 million to pay Haynes and Boone, LLP for attorney fees for the judgment in *Neeley v. West Orange-Cove Consolidated Independent School District*, 176 S.W.3d 746 (Tex. 2005), which successfully challenged the constitutionality of the school finance system. Each claim would have to be verified and approved by the attorney general and the comptroller before it could be paid.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The companion bill, SB 1588 by Ogden, has been referred to the Senate Finance Committee.

The committee substitute added appropriations not included in the original bill from general revenue and from the state highway fund.