

CHAPTER 847

S.B. No. 1273

An Act making appropriations for and directing payment of certain miscellaneous claims and judgments out of funds designated herein; requiring approval of the claims in the manner specified in this Act before payment is made.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The following sums of money are hereby appropriated out of the General Revenue Fund No. 001 for payment of itemized claims and judgments plus interest, if any, against the State of Texas as follows:

To pay ITT Lyndon Life Insurance Company, 700 Community Federal Center, St. Louis, Missouri 63131, for overpayment of premium taxes. \$54,805.80

To pay The Pyramid Life Insurance Company, 6201 Johnson Drive, Shawnee Mission, Kansas 66202, for overpayment of premium taxes. \$22,727.00

To pay Allstate Insurance Company, c/o E. Eugene Palmer, P. O. Box 1057, Austin, Texas 78767, for overpayment of premium taxes plus 9 percent interest per annum from March 22, 1982, until paid, to be computed by the comptroller. \$5,243,248.02

To pay Allstate Insurance Company, c/o E. Eugene Palmer, P. O. Box 1057, Austin, Texas 78767, for overpayment of premium taxes plus 9 percent interest per annum from April 6, 1984, until paid, to be computed by the comptroller. \$189,737.42

To pay Guarantee Mutual Life Company, 8721 Indian Hills Drive, Omaha, Nebraska 68114, for overpayment of premium taxes. \$14,208.70

To pay Platoro Limited, Inc.; William E. Kenon, Jr.; and George Kirk Purvis, c/o Dennis Sanchez, 100 North Expressway 83, Brownsville, Texas 78523-4215, for recovery of certain artifacts from a 16th Century Spanish vessel plus interest from August 2, 1984, until paid, to be computed by the comptroller. \$313,000.00

To pay David Richards, 600 West 7th Street, Austin, Texas 78701, for judgment in consolidated voting rights actions decision from the Fifth Circuit Court of Appeals, two annual installments of \$41,617.76 each, plus interest to be computed by the comptroller at the rate of 9 percent per annum on the unpaid balance from April 22, 1983, until paid. These installments represent the last two of four annual installments reflected in the court order dated April 8, 1983, for the total amount of \$166,475.05 plus interest. \$83,235.52

To pay Don Gladden, 2814 Avenue D, Fort Worth, Texas 76105, for judgment in consolidated voting rights actions decision from the Fifth Circuit Court of Appeals, two annual installments of \$81,889.27 each, plus interest to be computed by the comptroller at the rate of 9 percent per annum on the unpaid balance from April 22, 1983, until paid. These installments represent the last two of four annual installments reflected in the court order dated April 8, 1983, for the total amount of \$327,557.08 plus interest. \$163,778.54

To pay U.S. Telephone, Inc., c/o Bickerstaff, Heath, and Smiley, 400 West 15th Street, Austin, Texas 78701, for attorney fees included in final judgment regarding excessive rates. \$61,307.87

To pay Fidelity Southern Insurance Company, 11415 Chimney Road, Suite 111, Houston, Texas 77035-2903, for overpayment of premium taxes. \$164,332.88

To pay First of Georgia Insurance Company, 1046 Stevens Creek Road, Augusta, Georgia 30907, for overpayment of premium taxes. \$94,996.03

To pay Academy Life Insurance Company, One Valley Forge Plaza, Valley Forge, Pennsylvania 19487, for overpayment of premium taxes. \$122,945.82

To pay The Home Insurance Company, c/o Rodney D. Buckner, Tenth Floor, 2001 Bryan Tower, Dallas, Texas 75201-

3005, for overpayment of premium taxes plus prejudgment interest from March 7, 1980, until March 29, 1985, and postjudgment interest from March 29, 1985, until paid, to be computed by the comptroller. \$565,280.68

To pay Hartford Accident and Indemnity Company, c/o Rodney D. Bucker, Tenth Floor, 2001 Bryan Tower, Dallas, Texas 75201-3005, for overpayment of premium taxes plus prejudgment interest on \$382,380.94 from March 1, 1978, until March 29, 1985; prejudgment interest on \$388,661.22 from March 1, 1979, until March 29, 1985; and postjudgment interest on \$771,042.16 from March 29, 1985, until paid, to be computed by the comptroller. \$771,042.16

To pay Trinity Universal Insurance Company, c/o Rodney D. Bucker, Tenth Floor, 2001 Bryan Tower, Dallas, Texas 75201-3005, for overpayment of premium taxes plus prejudgment interest on \$584,932.37 from March 1, 1977, until March 29, 1985; prejudgment interest on \$357,984.26 from March 1, 1978, until March 29, 1985; prejudgment interest on \$71,212.98 from February 28, 1979, until March 29, 1985; and postjudgment interest on \$1,014,129.61 from March 29, 1985, until paid, to be computed by the comptroller. \$1,014,129.61

SECTION 2. The following sum of money is hereby appropriated out of the Special Fund No. 117 for payment of itemized claims and judgments plus interest, if any, against the State of Texas as follows:

To pay Asa Fuller III, c/o George LeGrand, 239 East Commerce Street, San Antonio, Texas 78205, for breach of contract plus interest at the rate of 9 percent per annum from August 24, 1983, until paid, to be computed by the comptroller. \$134,000.00

SECTION 3. The following sums of money are hereby appropriated out of the Special Fund No. 166 for payment of itemized claims and judgments plus interest, if any, against the State of Texas as follows:

To pay the City of Laredo, Department of Community Development, P.O. Box 1276, Laredo, Texas 78040, for retroactive adjustment for alternative care for aged, blind, and disabled adults. \$5,938.81

To pay San Antonio State Chest Hospital, P.O. Box 23340, Highland Hills Station, San Antonio, Texas 78223, for unpaid claim for medical assistance for patients in San Antonio State Chest Hospital. \$30,610.58

To pay Home Health-Home Care, Inc., c/o Billie Pavlic, First National Bank of Jasper, P.O. Box 700, Jasper, Texas 75951, for retroactive adjustment for family care and primary home care services. \$12,880.56

To pay Fort Worth Independent School District, 3210 West Lancaster, Fort Worth, Texas 76107, for unpaid social services claim. \$49,117.81

To pay Fort Worth Independent School District, 3210 West Lancaster, Fort Worth, Texas 76107, for unpaid social services claim. \$16,634.54

To pay Fort Worth Independent School District, 3210 West Lancaster, Fort Worth, Texas 76107, for unpaid social services claim. \$18,853.89

To pay Thomas Care Centers, Inc., P.O. Box 27127, Houston, Texas 77227, for unpaid nursing home care claim. \$23,147.95

SECTION 4. The following sum of money is hereby appropriated out of the Special Fund No. 036 for payment of itemized claims and judgments plus interest, if any, against the State of Texas as follows:

To pay IBM Corporation, c/o Charles L. Nicholson, 505 Barton Springs Road, Austin, Texas 78704, for error in billing of computer equipment. \$88,817.69

SECTION 5. The following sums of money are hereby appropriated for payment of itemized claims and judgments plus interest, if any, against the State of Texas as follows:

To pay Congress Square, Ltd. No. 1, c/o Shannon H. Ratliff, 1300 Capitol Center, 919 Congress Avenue, Austin, Texas 78701, for breach of contract plus interest from May 9, 1984, until paid, to be computed by the comptroller.

Out of Fund No. 001	\$65,429.19
Out of Fund No. 141	\$65,429.20

SECTION 6. It is specifically provided that before any claim or judgment shall be paid from funds hereby appropriated, the same shall have the approval of the attorney general and the state comptroller and be verified by the State Auditor. It is further provided that any claim or judgment itemized in this Act which has not been approved by the attorney general and the state comptroller and verified by the State Auditor as of adjournment of the 69th Legislature, Regular Session, shall not be paid from funds appropriated by this Act.

SECTION 7. Subject to the conditions and restrictions in this Act and provisions stated in the judgments, the comptroller is hereby authorized and directed to issue a warrant or warrants on the State Treasury, as soon as possible following the effective date of this Act, in the favor of each of the said persons, firms, or corporations named herein, with the exceptions listed in Section 6, in the amount set opposite their respective names and shall mail or deliver to each of the said persons, firms, or corporations at their respective addresses warrant or warrants in payment of the said claim or claims.

SECTION 8. Subject to the conditions and restrictions in this Act and provisions stated in the judgments, the comptroller is hereby authorized and directed to issue a warrant or warrants on the State Treasury, as soon as possible following the effective date of this Act, in the favor of each of the said persons, firms, or corporations named herein, with the exceptions listed in Section 6, in the amount set opposite their respective names and shall mail or deliver to each of the said persons, firms, or corporations at their respective addresses warrant or warrants in payment of the said claim or claims.

SECTION 9. Payments other than those authorized by this Act for Platoro Limited, Inc., and Asa Fuller III shall be made no sooner than September 1, 1985.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 10, 1985, by the following vote: Yeas 28, Nays 0; Senate concurred in House amendment on May 27, 1985, by a viva-voce vote; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas; passed the House, with amendment, on May 25, 1985, by a non-record vote; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas.

Filed: June 15, 1985, without signature.

Effective: August 26, 1985