

CHAPTER 1005

H.B. No. 1193

AN ACT

relating to appropriations for payment of certain claims against state agencies.

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

SECTION 1. Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 109 to read as follows:

**CHAPTER 109. APPROPRIATIONS FOR PAYMENT
OF CLAIMS AGAINST STATE AGENCIES**

Sec. 109.001. DEFINITION. In this chapter, "state agency" means any entity that constitutes the state government for purposes of Section 101.001.

Sec. 109.002. APPROPRIATIONS AS PROVIDED BY CHAPTER. (a) Except as provided by Section 109.007, the legislature may not make an appropriation to pay a claim for which the state government is liable under Chapter 101 and that results from the conduct of a state agency except as provided by this chapter.

(b) Except as provided by Section 109.007, the legislature may not make an appropriation to indemnify an employee, member of a governing board, or other officer of a state agency under Chapter 104 except as provided by this chapter.

Sec. 109.003. SOURCE OF APPROPRIATION. An appropriation subject to this chapter shall be made from otherwise unappropriated amounts in a special fund or account that may be appropriated to the affected state agency and that may be used for that purpose, to the extent those amounts are available. To the extent those amounts are not available, the appropriation may be made from the general revenue fund.

Sec. 109.004. DEDUCTION FROM AGENCY APPROPRIATION. (a) Subject to Subsections (b) and (c), the comptroller shall reduce the amount of each appropriation made to pay a claim subject to this chapter for a particular state agency from the appropriation made for that state agency in the General Appropriations Act.

(b) The reduction in the appropriation for a state agency for a particular claim may not exceed \$5,000.

(c) The total of all reductions in the appropriation for a state agency for any fiscal year under this section may not exceed five percent of the appropriation made to that agency for that fiscal year.

Sec. 109.005. REPORTS. (a) The comptroller shall notify an affected state agency of:

- (1) each claim subject to this chapter paid by the comptroller under this chapter for that state agency;*
- (2) the amount of the claim;*
- (3) the amount of the claim paid from a special fund or account;*
- (4) the amount of any reduction made under Section 109.004; and*
- (5) the subject matter of the claim.*

(b) Each agency shall summarize the information reported to it by the comptroller under Subsection (a) and report that information as part of the agency's annual report to the budget division of the governor's office and to the Legislative Budget Board as required by the General Appropriations Act.

Sec. 109.006. APPROPRIATION FOR CLAIM NOT LIMITED. This chapter does not limit the amount the legislature may appropriate to pay claims subject to this chapter.

Sec. 109.007. EXCEPTIONS. This chapter does not apply to an appropriation:

(1) to pay or indemnify a person for a negligent act or omission in the diagnosis, care, or treatment of a health care or mental health care patient, without regard to whether the claim is based on tort or contract principles;

(2) to pay a claim based on the conduct of a state medical school or of a hospital affiliated with an institution of higher education of this state;

(3) to pay a claim based on the conduct of an institution of higher education; or

(4) to pay a claim based on the conduct of a state law enforcement agency, including the Texas Department of Public Safety, or of a state corrections agency, including the Texas Department of Criminal Justice and the Board of Pardons and Paroles.

SECTION 2. (a) This Act takes effect September 1, 1993.

(b) This Act applies only to an appropriation made on or after September 1, 1994. An appropriation made before September 1, 1994, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(c) This Act applies only to a claim that accrues after the effective date of this Act or for which an appropriation is made on or after September 1, 1994. A claim that accrues before the effective date of this Act or for which an appropriation is made before September 1, 1994, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. 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.

Passed by the House on May 12, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 1193 on May 24, 1993, by a non-record vote; passed by the Senate, with amendments, on May 21, 1993, by a viva-voce vote.

Approved June 19, 1993.

Effective Sept. 1, 1993.