

By: Romero, Jr.

H.B. No. 1630

A BILL TO BE ENTITLED

AN ACT

relating to certain limitations on settlement agreements with a governmental unit.

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 116 to read as follows:

CHAPTER 116. LIMITATION ON SETTLEMENT OF CLAIM OR ACTION AGAINST A GOVERNMENTAL UNIT

Sec. 116.001. CERTAIN LIMITATIONS ON SETTLEMENT BY A GOVERNMENTAL UNIT. (a) In this chapter, "governmental unit" has the meaning assigned by Section 101.001.

(b) A state or local governmental unit may not enter into a settlement of a claim or action against the governmental unit in which:

(1) the amount of the settlement is equal to or greater than \$30,000; and

(2) a condition of the settlement requires a party seeking affirmative relief against the governmental unit to agree not to disclose any fact, allegation, evidence, or other matter to any other person, including a journalist or other member of the media.

(c) A governmental unit may not disclose the personal information of a party seeking affirmative relief unless the party agrees to the disclosure.

1       (d) A provision in a settlement agreement that is in  
2 violation of Subsection (b)(2) is void and unenforceable.

3       (e) This chapter does not affect information that is  
4 privileged or confidential under other law.

5       (f) Evidence of furnishing or offering or promising to  
6 furnish or accepting or offering or promising to accept, a valuable  
7 consideration in compromising or attempting to compromise a claim  
8 against a governmental unit which was disputed as to either  
9 validity or amount is not admissible to prove liability for or  
10 invalidity of the claim or its amount. Evidence of conduct or  
11 statements made in compromise negotiations is likewise not  
12 admissible. This section does not require the exclusion of any  
13 evidence otherwise discoverable merely because it is presented in  
14 the course of compromise negotiations. This section also does not  
15 require exclusion when the evidence is offered for another purpose,  
16 such as proving bias or prejudice or interest of a witness or a  
17 party, negating a contention of undue delay, or proving an effort  
18 to obstruct a criminal investigation or prosecution.

19       SECTION 2. The change in law made by this Act applies to the  
20 settlement of a claim or action with respect to which the cause of  
21 action on which the claim or action is based accrues on or after the  
22 effective date of this Act. A claim or action with respect to which  
23 the cause of action on which the claim or action is based accrues  
24 before the effective date of this Act is governed by the law in  
25 effect immediately before that date, and that law is continued in  
26 effect for that purpose.

27       SECTION 3. This Act takes effect September 1, 2015.