88R10665 JON-D

By:  Bettencourt S.B. No. 1948

A BILL TO BE ENTITLED

AN ACT

relating to the legislative approval of settlements related to elections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  The heading to Chapter 111, Civil Practice and Remedies Code, is amended to read as follows:

CHAPTER 111. LIMITATION ON SETTLEMENT OF CLAIM OR ACTION AGAINST THE STATE AND LOCAL GOVERNMENTS

SECTION 2.  Sections 111.001(b) and (c), Civil Practice and Remedies Code, are amended to read as follows:

(b)  This chapter applies to any settlement described by Section 111.003(a) or 111.0035(a) [~~Section 111.003(a)~~] of a claim or action against this state or a local government seeking any relief under any theory of recovery, including a mandamus action against a state or local officer or official, that is brought or may be brought in or before any court, administrative agency, or other tribunal.

(c)  For purposes of this chapter:

(1)  "This state" [~~, a reference to this state~~] includes any agency, institution, or other entity of state government.

(2)  "Local government" has the meaning assigned by Section 102.001(2).

SECTION 3.  The heading to Section 111.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 111.003.  LIMITATION ON STATE SETTLEMENT WITHOUT LEGISLATIVE CONSENT OR APPROVAL.

SECTION 4.  Section 111.003(a), Civil Practice and Remedies Code, is amended to read as follows:

(a)  The attorney general or other attorney representing this state may not enter into a settlement of a claim or action against this state without the consent or approval of the legislature in accordance with this chapter if the settlement:

(1)  requires this state to pay total monetary damages in an amount that exceeds $10,000,000 in a state fiscal biennium; [~~or~~]

(2)  commits this state to a course of action that in reasonable probability will entail a continuing increased expenditure of state funds over subsequent state fiscal bienniums; or

(3)  requires this state to change any election standard, practice, or procedure established under a law of this state.

SECTION 5.  Chapter 111, Civil Practice and Remedies Code, is amended by adding Section 111.0035 to read as follows:

Sec. 111.0035.  LIMITATION ON LOCAL SETTLEMENTS RELATED TO ELECTIONS WITHOUT LEGISLATIVE CONSENT OR APPROVAL. (a) A local government may not enter into a settlement of a claim or action against the local government without the consent or approval of the legislature in accordance with this chapter if the settlement:

(1)  requires or authorizes the local government to adopt any election standard, practice, or procedure not previously adopted by the local government; or

(2)  alters, limits, or invalidates a law or rule of this state related to the conduct of elections.

(b)  A settlement described by Subsection (a) entered into without the prior consent or approval of the legislature is void unless the settlement is expressly conditioned on obtaining subsequent approval by the legislature in accordance with this chapter.

SECTION 6.  Section 111.004(a), Civil Practice and Remedies Code, is amended to read as follows:

(a)  The legislature may consent to or approve a settlement described by Section 111.003(a) or 111.0035(a) [~~Section 111.003(a)~~] only by a resolution adopted by both houses of the legislature.

SECTION 7.  Section 111.006, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 111.006.  REPORT BY ATTORNEY GENERAL. (a) Not later than September 1 of each even-numbered year, the attorney general shall send to the lieutenant governor, the speaker of the house of representatives, and each member of the Senate Finance Committee and the House Appropriations Committee a report:

(1)  summarizing the information received by the attorney general under Subsection (b); and

(2)  describing each claim or action:

(A)  to which Section 111.003(a) applies or may apply;

(B)  that is pending as of September 1 of that year; and

(C)  that has been settled or in the opinion of the attorney general may be settled during the next 24 months [~~describing each claim or action pending as of September 1 of that year that has been or that in the opinion of the attorney general may be settled in a manner that will require prior consent or subsequent approval by the legislature under this chapter~~].

(b)  Not later than August 1 of each even-numbered year, a local government shall send to the attorney general a report in a manner prescribed by the attorney general that describes each claim or action:

(1)  to which Section 111.0035(a) applies or may apply;

(2)  that is pending as of August 1 of that year; and

(3)  that has been settled or that in the opinion of the local government may be settled within the next 24 months.

SECTION 8.  Section 111.001(a), Civil Practice and Remedies Code, is repealed.

SECTION 9.  The changes in law made by this Act apply only to a consent decree, agreed judgment, or other settlement or compromise of a claim or action entered into on or after the effective date of this Act. A consent decree, agreed judgment, or other settlement or compromise of a claim or action entered into before the effective date of this Act is governed by applicable law in existence on the date the consent decree, agreed judgment, or other settlement or compromise is entered into.

SECTION 10.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.