

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

1 and Remedies Code, is amended to read as follows:

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

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

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

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

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

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

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

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

27           (1) requires or authorizes the local government to

1 adopt any election standard, practice, or procedure not previously  
2 adopted by the local government; or

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

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

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

12 (a) The legislature may consent to or approve a settlement  
13 described by Section 111.003(a) or 111.0035(a) [~~Section~~  
14 ~~111.003(a)~~] only by a resolution adopted by both houses of the  
15 legislature.

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

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

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

25 (2) describing each claim or action:

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

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

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

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

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

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

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

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

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

27                    SECTION 10. This Act takes effect immediately if it

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