

1 SB297
2 217938-1
3 By Senator McClendon
4 RFD: Governmental Affairs
5 First Read: 08-MAR-22

SYNOPSIS: Under existing law, all litigation concerning the interest of the state, or any department of the state, is under the control and direction of the Attorney General.

This bill would further clarify that settlement agreements may not be entered into by any department of the state without prior approval of the Attorney General.

A BILL
TO BE ENTITLED
AN ACT

Relating to state government, to amend Section 36-15-12, Code of Alabama 1975, to provide further for the authority of the Attorney General to enter into settlement agreements.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-15-12 of the Code of Alabama 1975, is amended to read as follows:

1 "§36-15-12.

2 "(a) The Attorney General is authorized to may
3 institute and prosecute, in the name of the state, all civil
4 actions and other proceedings necessary to protect the rights
5 and interests of the state.

6 "(b) A state department, board, bureau, commission,
7 committee, authority, or office may not enter into a
8 settlement agreement including, but not limited to, a
9 prelitigation settlement, separation agreement, employment
10 termination agreement, or release, without the prior approval
11 of the Attorney General.

12 "(c) A settlement agreement described in subsection
13 (b) may not include a confidentiality, nondisclosure, or
14 nondisparagement provision without the prior approval of the
15 Attorney General."

16 Section 2. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.