

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
Mar 25, 2021
S.B. 360
PRINCIPAL CLERK

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SENATE BILL DRS45033-ML-12

Short Title: Prohibit Collusive Settlements by the AG. (Public)

Sponsors: Senators Hise, Daniel, and Newton (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE JOINT APPROVAL FROM THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE
4 BEFORE THE ATTORNEY GENERAL MAY ENTER INTO A CONSENT JUDGMENT
5 OR SETTLEMENT AGREEMENT IN A DISPUTE, CLAIM, OR CONTROVERSY IN
6 WHICH THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
7 PRESIDENT PRO TEMPORE OF THE SENATE HAVE INTERVENED OR ARE
8 OTHERWISE NAMED PARTIES.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 114-2.2 is amended by adding a new subsection to read:

11 "(a2) Where a dispute, claim, or controversy is challenging a North Carolina statute or
12 provision of the North Carolina Constitution, and the Speaker of the House of Representatives
13 and the President Pro Tempore of the Senate (i) have jointly intervened on behalf of the General
14 Assembly in accordance with G.S. 1-72.2 or (ii) are otherwise jointly named in their official
15 capacities as parties to the dispute, claim, or controversy, a consent judgment shall be jointly
16 approved by the Speaker of the House of Representatives and the President Pro Tempore of the
17 Senate, or by and through counsel of their choice, before the judgment may be entered."

18 **SECTION 2.** G.S. 114-2.4 is amended by adding a new subsection to read:

19 "(a2) Where a dispute, claim, or controversy is challenging a North Carolina statute or
20 provision of the North Carolina Constitution, and the Speaker of the House of Representatives
21 and the President Pro Tempore of the Senate (i) have intervened on behalf of the General
22 Assembly in accordance with G.S. 1-72.2 or (ii) are otherwise jointly named in their official
23 capacities as parties to the dispute, claim, or controversy, a proposed settlement agreement or
24 other agreement that would dispose of the dispute, claim, or controversy shall be jointly approved
25 by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, or
26 by and through counsel of their choice, before the agreement may be entered."

27 **SECTION 3.** This act becomes effective October 1, 2021, and applies to disputes,
28 claims, and controversies arising on or after that date.

